



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 24th July, 2018

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Robert Rigby (Chairman)
Louise Hyams
Guthrie McKie
James Spencer



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.

**Tel: 020 7641 2341; email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. 52 - 55 DORSET STREET, LONDON, W1U 7NH | (Pages 7 - 36) |
| 2. BROCK HOUSE, 19 LANGHAM STREET, LONDON, W1W 6PA | (Pages 37 - 58) |
| 3. 48 - 58 HUGH STREET, LONDON, SW1V 4ER | (Pages 59 - 74) |
| 4. 11 GLOUCESTER PLACE MEWS, LONDON, W1U 8BA | (Pages 75 - 94) |
| 5. 11 ENNISMORE GARDENS MEWS, LONDON, SW7 1HY | (Pages 95 - 114) |
| 6. ALEXANDER HOUSE, 85 FRAMPTON STREET, LONDON, NW8 8NQ | (Pages 115 - 130) |
| 7. 61A MARLBOROUGH PLACE, LONDON, NW8 0PT | (Pages 131 - 156) |

Stuart Love
Chief Executive
16 July 2017

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CITY OF WESTMINSTER

PLANNING APPLICATIONS SUB COMMITTEE – 24th July 2018

SCHEDULE OF APPLICATIONS

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 18/02822/FULL 18/02823/LBC Marylebone High Street	52 - 55 Dorset Street London W1U 7NH	Alterations at basement and ground floor levels including the installation of a partially openable shopfront, erection of a bin store screen and installation of replacement plant to the rear and associated alterations. Dual/alternative use of part of the basement level as a restaurant (Class A3) and/or bakery (Class A1) and use of two areas of the private forecourt for the placing of nine tables and 18 chairs in association with the ground floor restaurant use.	
2.	RN(s) : 18/02099/FULL West End	Brock House 19 Langham Street London W1W 6PA	Erection of two storey mansard roof extension to provide additional Class B1 office accommodation and including the installation of plant at roof level, infilling of existing light wells, alterations to external facades, and other associated works.	
3.	RN(s) : 18/03060/FULL Warwick	48 - 58 Hugh Street London SW1V 4ER	Erection of mansard roof extensions on Nos 48-58 Hugh Street to create additional residential accommodation in connection with each property.	
4.	RN(s) : 18/03277/FULL 18/03278/LBC Bryanston And Dorset Square	11 Gloucester Place Mews London W1U 8BA	Erection of a two storey rear extension and excavation of a new basement for use in association with the existing residential unit with associated internal alterations.	
Item No	References	Site Address	Proposal	Resolution

CITY OF WESTMINSTER

PLANNING APPLICATIONS SUB COMMITTEE – 24th July 2018

SCHEDULE OF APPLICATIONS

5.	RN(s) : 18/02845/FULL Knightsbridge And Belgravia	11 Ennismore Gardens Mews London SW7 1HY	Excavation of basement under existing building footprint.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 18/03459/FULL Church Street	Alexander House 85 Frampton Street London NW8 8NQ	Erection of a roof extension at 5th floor level to create a self contained 3 bedroom flat (Class C3).	
	Recommendation Refuse permission - design, amenity and highways.			
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 17/10775/FULL 17/10776/LBC Abbey Road	61A Marlborough Place London NW8 0PT	Application 1: Excavation of single storey basement below existing dwellinghouse with lightwells to front and rear and associated external alterations. Application 2: Underpinning to No. 59 and No. 61 Marlborough Place in connection with the creation of a basement at the adjoining dwelling at 61A Marlborough Place. (Linked to 17/10775/FULL).	
	Recommendation Application 1: Grant conditional permission Application 2: 1. Grant conditional listed building consent 2. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter			

Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	52 - 55 Dorset Street, London, W1U 7NH		
Proposal	Alterations at basement and ground floor levels including the installation of a partially openable shopfront, erection of a bin store screen and installation of replacement plant to the rear and associated alterations. Dual/alternative use of part of the basement level as a restaurant (Class A3) and/or bakery (Class A1) and use of two areas of the private forecourt for the placing of nine tables and 18 chairs in association with the ground floor restaurant use.		
Agent	Turley		
On behalf of	A.O.K. Kitchen (Marylebone) Ltd.		
Registered Number	18/02822/FULL & 18/02823/LBC	Date amended/ completed	16 April 2018
Date Application Received	9 April 2018		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission; 2. Grant conditional listed building consent; 3. Agree the draft reasons for granting listed building consent as set out within informative 1 of the draft decision letter.
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2. SUMMARY

<p>This application site partly comprises a Grade II listed building (Nos. 53-55) and an unlisted building (No. 52) situated within the Portman Estate Conservation Area. The building's lawful use is as a restaurant (Class A3) set over basement and ground floors levels (though part of the basement has also functioned as a wine bar). 52 Dorset Street is a separate unlisted terraced building linked to Nos. 53-55 on the ground and basement floor levels. Above the site at first, second and third floor level is residential (Class C3) accommodation.</p> <p>Planning permission and listed building consent are sought for the alterations to install a replacement shopfront, incorporating an openable element, and associated works including replacement plant and</p>
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minor works to the bin storage area. Permission is sought to introduce a bakery (Class A1) at part basement level and for use of tables and chairs on the private forecourt.

A large number of objections from neighbouring residents in the Dorset Street area have been received. The agent confirms that the applicant has been in regular contact with local community and neighbours in an attempt to resolve the matters highlighted within the consultation concerns. The scheme has been revised to address some of these concerns by:

- reducing the amount of openable windows and conditioning the hours they are open;
- reducing the amount of external tables and chairs;
- reducing the operational hours of the A1 Bakery;
- provision of an operational management plan confirming the management of the tables and chairs, the overall management of the premises, waste management and deliveries.

Furthermore the applicant has agreed to a number of conditions to protect the residential amenity, as detailed within the report.

The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residents;
- The impact of the works upon both the special interest of the listed building and the character and appearance of the conservation area.

In design and historic building terms, the proposed impact is minor, following a number of revisions throughout the application. The proposed noise mitigation measures are considered to be sufficient to ensure that the amenity of local residents will not be harmed. The proposed works are therefore considered to be acceptable in design and conservation terms and, subject to conditions, the proposal is also considered acceptable in amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster City Plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Existing external entrance to basement (and proposed bakery)



5. CONSULTATIONS

HISTORIC ENGLAND:

Authorise the City Council to determine the application for listed building consent.

THE MARYLEBONE ASSOCIATION:

No objection in principle subject to the following conditions:

- The opening hours of the premises be limited to 23:00 daily;
- The permission for tables and chairs be temporary to allow future reviews;
- Further information regarding the plant be provided to confirm whether it requires acoustic housing;
- A detailed management plan be provided to ensure robust management of the unit.

ENVIRONMENTAL HEALTH:

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 120; No. of response: 40;

1 letter of support received and,

39 letters of objection received on the following grounds;

Amenity

- Extended opening hours are considered to be too early and too late;
- Larger seating area is considered to be too large with too many covers;
- Terrace should not be used beyond 20:00 daily;
- No external heaters should be allowed;
- Number of customers on terrace should be limited to 12 people;
- Noise nuisance from the additional covers, extended opening hours and live music;
- Additional noise from openable shopfront;
- Openable windows should be closed when music played;
- Windows should be double glazed to reduce noise;
- Bakery should open no earlier than 08:00 Monday to Friday and 09:00 Saturday and Sundays;
- Bakery will result in additional smells;
- The use will result in increased parking and put additional unnecessary pressure on residents parking;
- Plant should be sited away from wall adjoining 29 Manchester Square and ducting should be fitted with sound absorbing cladding;
- Hours of use of toilets and restaurant should be limited to restrict noise concerns.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 52 is an unlisted property and No. 53 - 55 is a Grade II listed property located on the southern side of Dorset Street at the corner of Manchester Street. The building comprises basement, ground and three upper floors. The site is located within the

Portman Estate Conservation Area. The lawful use of the ground and basement premises is a restaurant (Class A3) with residential properties at upper floors.

There is some uncertainty regarding the history of the basement area being used as a wine bar, but as this appears to have been in association use with the restaurant use, it is considered that the use of the premises as a whole is within Class A3.

The site is located outside the Core Central Activities Zone (but within the Central Activities Zone) and is part of a Local Shopping Centre. It is not in a Stress Area.

6.2 Recent Relevant History

Planning permission and listed building consent were granted on 6 January 2013 (13/05850/LBC) for the alterations to the existing pavement railings with new extension and double gates to match existing on the corner junction of Manchester Street and Dorset Street. This allowed for the area now used for the storage of external waste.

Planning permission and listed building consent were granted on 10 January 2001 (00/08009/FULL) for external alterations, including replacement railings, removal of some railings, new paving, two new awnings, delivery hatch and fixed roof light to rear.

Permission was granted at Committee on the 23 November 2000 for the alterations to shopfront to create openable windows at 52 Dorset Street only (00/05850/FULL). Although permitted by Members at Committee, the permission was not implemented.

Permission was refused on the 12 August 1996 with an appeal dismissed on the 24 July 1997 (96/04510/FULL) for the alterations to the shopfront at 52-55 Dorset Street which sought consent to replace the shopfront with openable sash windows. The appeal was dismissed on design grounds only. The Planning Inspector did not consider that the proposal would result in a loss of amenity to adjoining residential occupiers by way of noise and disturbance.

The use of the premises as a restaurant (Class A3) pre-dates planning history. The property is not subject to planning restrictions limiting the use of hours, capacity or deliveries. However, the premises licence restricts opening hours to the following:

Monday to Saturday: 10:00 to 00:30 (Basement)
Monday to Saturday: 10:00 to 23:30 (Other areas)
Sunday: 12:00 to 23:00 (Other areas)
Sunday: 12:00 to 00:00 (Basement)

7. THE PROPOSAL

Planning permission and listed building consent are sought dual/alternative use of part of the basement level as a restaurant (Class A3) and/or bakery (Class A1) and for alterations at basement and ground floor levels including:

- the installation of a partially openable shopfront;
- other internal alterations as detailed below;

- the provision of external seating on the private forecourt;,
- erection of a bin store screen, and
- installation of replacement plant to the rear of the property, including a replacement full height kitchen extract duct.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The property lies outside the Core Central Activity Zone. The entire unit has been in use by Hardy's restaurant with wine bar in part basement since approximately 1984. There are no planning decisions for the use of the site that controls its use as a restaurant (in terms of opening hours nor capacity) nor the use of tables and chairs on the forecourt.

The proposed bakery is seen by the applicant as supplementing the main use of the premises as a restaurant, and a partial retail function is often provided by restaurants. It will have an independent access point via the existing external staircase from street level. This gives the bakery the opportunity to operate as an independent retail unit that is not completely tied to the restaurant (e.g. it could open when the restaurant is closed) but it is an integral part of the restaurant operation. There is also access to the bakery from within the restaurant at ground floor level. Such a change of use from Class A3 to Class A1 benefits from permitted development rights as detailed in Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, the applicant has formally applied to change this use for dual alternative A1/A3 purposes – this allows this part of the premises to revert to Class A3 use in the event that the bakery is not provided.

The part basement floor comprises an area of approximately 35 sqm. Primary cooking is proposed to take place within the existing restaurant kitchen at basement level, with back of house access linked directly to the bakery. The proposed opening hours of the bakery are:

Monday – Friday: 07:30 - 18:30,

Saturday: 08:00 – 18:00 and

Sunday: 08:30 – 18:00.

No details have been provided concerning the number of staff that would be employed.

The proposed bakery could potentially result in the loss of 35 sqm of restaurant (Class A3) floorspace at part basement floor. The Council does not have any policies to explicitly protect this use class.

Considering the reduction of other A3 floorspace on the site and that the part basement area will be used in association with the existing ground floor use, it is considered that the change of use to A1 floorspace is acceptable. Furthermore, given the mixed nature of Dorset Street it is not considered that the proposal would adversely affect the character and function of the area. Furthermore, as the site is part of a Local Shopping Centre, the contribution of a retail bakery is appropriate.

Objections about the amenity implications of the use are dealt with in the amenity section (8.3 below).

8.2 Townscape and Design

Internal alterations

At ground floor level, permission is sought to widen an existing opening between nos. 52 and 53. The existing internal opening was originally consented in 1990 when the buildings were linked laterally. The proposal to widen this opening will preserve a sense of the original room volume and plan form, and the unlisted separate building at no. 52 will remain legible, demonstrating that these buildings were not historically linked. A small amount of historic fabric will be lost as a result of this change. However, this aspect of the proposals will have a minimal impact on the overall special interest of the listed building and is considered acceptable.

At basement level consent is sought for internal alterations involving the removal of existing partitions and reconfiguration of the internal plan form, which does not appear to be historic. The proposed alterations within the basement affect modern fabric only, and will preserve the special interest of the listed building. Two additional openings are proposed in the party wall between nos. 52 and 53. Given that these buildings are already linked, the legibility of the historic plan form will remain and the impact on the special interest is minimal.

A new floor finish is also proposed. There are some areas where existing original floor boards are retained. Details have been submitted to show that the existing boards can be retained below the proposed finish. Subject to the imposition of a condition to secure their retention, this aspect of the proposals is also considered acceptable.

Changes to shopfront

Externally, consent is sought for alterations to the existing shopfront. The existing shopfront, whilst not entirely original, is of a traditional, panelled timber design and makes a positive contribution to the appearance of the listed building and conservation area. The shopfront to no. 53 appears to date to the early 19th century; elsewhere it is later. Consent was originally sought for openable bi-folding windows across the full frontage of the site. This was resisted in design terms because this would create a large void within the streetscape and the principle of openable glazing to the historic 19th century shopfront was considered inappropriate in listed building terms, given that historically this would always have been fixed glazing. Following negotiations, the extent of openable windows has been reduced significantly and fixed glazing is now retained in the 19th century part of the shopfront. One window is to be replaced with bi-folding windows to no. 55. Given that the fixed panelled stallriser is retained with the existing proportions preserved, and that the openable element is limited to this one window only, the proposal will preserve the character and appearance of the conservation area and the special interest of the listed building. This aspect of the proposals is therefore recommended for approval in design terms.

The submission refers to painting the existing shopfront, although the details of the proposed colour are not shown on the drawings. The visuals in the supporting document show a light grey colour. The applicant was advised during pre-application discussions that light colours such as the grey shown are not considered suitable for a traditional shopfront of this type, and a dark colour is likely to be considered more favourably. The imposition of a condition is recommended to secure details of the proposed colour.

Following negotiations, revised drawings have also been submitted which show a reduction to the size of the proposed projecting sign, which was originally designed to be a considerably larger, chunkier and internally illuminated box sign. The imposition of a condition to secure further details of this sign is recommended. The existing flag and pole at first floor level appear to have been installed unlawfully between 2012 and 2014. The proposed drawings show the flag removed following negotiations. This has been conditioned on the listed building consent to safeguard its removal.

Plant

At the rear of the site consent is sought to remove an existing duct located to the rear of No. 53, part of the listed building, which is welcomed, and install a new duct at the rear of no. 52. The proposed duct will be visible from several high level private vantage points at the rear of the site, but arguably is in a more discreet location. Like the existing duct, it will not be visible from any public vantage points. Officers consider that, visually, it would be preferable for the duct to be screened in GRP cladding to match the appearance of the existing brickwork, so that it will blend with the appearance of the palette of this historic building and will represent an improvement to the design and positioning of the existing duct. However, the use of GRP cladding would increase the bulk of the duct, which might impinge on the windows to the flats on the upper floors of the property. The applicant wishes to paint the duct in grey: given the need to assess potential options for the treatment of the duct, it is proposed to condition this matter. The imposition of a condition requiring the removal of the existing duct before the new duct is installed is also recommended to reduce visual clutter in this highly visible location.

A new rooflight and replacement air conditioning plant servicing the restaurant is also proposed on the rear flat roof which, will be concealed below the height of the boundary wall and will only be visible from a limited number high level private vantage points. Additional air conditioning plant is also proposed to the rear of the roof valley to no. 52, which is the unlisted part of the site. Again, and this will only be limited visibility and will preserve the roofscape of this group. Whilst a screening enclosure would be desirable in design terms, this would increase the massing of the roof plant to an unacceptable degree. This aspect of the proposals is also therefore recommended for approval.

Overall, subject to the conditions set out above, the proposals are considered compliant with DES 5, DES 6, DES 9 and DES 10 of the UDP and will preserve the character and appearance of this part of the conservation area and the special interest of the listed building. The application is therefore recommended for conditional approval in design terms.

8.3 Residential Amenity

A number of objections have been received following a public consultation period. It should be noted that an additional neighbour consultation process was conducted to clarify the works to the rear and roof of the property, namely the introduction of replacement plant. Several of the objections are duplicates following the second consultation. Additionally there are a number of similar objections received from different occupants within the same properties.

Openable shopfront

An appeal was dismissed on 24 July 1997 for a new shopfront to 52-55 Dorset Street with an openable element. The Inspector dismissed the appeal on design grounds only, and commented that he did not consider that the proposal would result in a loss of amenity to adjoining residential occupiers by way of noise and disturbance. However, it is noted that the openable element as originally proposed in this application was considerably larger than in the appeal decision and this has generated a number of objections from neighbouring residents. The amended proposal has now reduced the openable element to a smaller proportion than that of the 1997 appeal. The amendments address both design and amenity concerns and now include a single element of openable shopfront with the remaining windows fixed shut.

A condition restricting the hours which the openable windows may be opened to between 09.00 and 21.00 has been included on this permission, and has been agreed by the applicant to prevent any disturbance at night-time for the large number of residential occupiers in close vicinity of the site.

A condition has also been included to require the openable windows to be closed in the event that there is live music entertainment taking place at the premises.

Given these conditions and the considerable reduction in the amount of openable shopfront that was originally proposed, it is considered that the objections on these grounds have effectively been addressed.

Tables and chairs

Objections have been received regarding the size and use of the terrace beyond 20:00 daily, including the number of diners sitting outside; concerns were also raised regarding the use of external heaters.

The forecourt to the front of the premises has been in use for a varied amount of tables and chairs by the previous occupier for a number of years. The tables and chairs are located on a private forecourt, not public highway, and therefore the City Council has no control over the use of tables and chairs in this area. The applicant has however agreed to reduce the original layout of the seating area to 9 tables and 18 chairs, which now fit comfortably within the private forecourt and do not extend onto the public highway.

The applicant has also agreed to limit the use of the tables and chairs to 08:30 and 21:00 daily, this is detailed within the operational management plan which will be conditioned as part of this application.

Opening hours

A number of objections from residents and the Marylebone Association raise concerns to the opening hours of the business. The agent advises that the previous occupiers' hours of operation were as follows:

Monday to Saturday:	10:00 to 00:30
Sunday:	12:00 to 00:00

Hardy's Brasserie's website however refers to the opening times as follows [although the restaurant has now closed, their website is still online]:

Monday to Friday: 12:00 to 15:00 and 17:00 to 22:30
Saturday: 09:30 to 15:00 and 17:30 to 22:30
Sunday: 09:30 to 15:00

The premises licence issued by the Council restricted the opening hours to:

Monday to Saturday: 10:00 to 00:30 (Basement),
Monday to Saturday: 10:00 to 23:30 (Other areas),
Sunday: 12:00 to 00:00 (Basement), and
Sunday: 12:00 to 23:00 (Other areas).

It is therefore assumed that Hardy's chose not to open throughout the day, although did have the flexibility to do so. This appears to have generated a lot of the objections from local residents about the proposed change in opening hours. Objectors request that the hours of operation of the restaurant use be limited to close earlier than midnight, as currently proposed.

The fact is that there are no existing planning controls over the hours and capacity of the existing restaurant use. The use of the most of the site remains as a restaurant (Class A3) use, and the applicant confirms the hours of the restaurant to be:

Monday – Friday: 07:30 – 00:00
Saturday: 08:00 – 00:00
Sunday: 08:30 – 23:30

Again, this will be subject to control through licensing (which will need to be adjusted to allow opening of the ground floor until midnight (along with the basement). However, the applicant has agreed to accept a planning condition that controls these hours: given that the existing licence allows part of the premises to be open until midnight, there are not considered to be reasonable grounds to impose an earlier closing time.

The change of use relates to the small area within the basement where permission is sought for a bakery with the following opening hours, which can be conditioned as part of this application:

Monday – Friday: 07:30 - 18:30
Saturday: 08:00 – 18:00
Sunday: 08:30 – 18:00

Neighbouring objectors request that the hours of operation be altered to restrict the bakery to open at 08:00 or 09:00 daily. Given the mixed use nature of the location, opening at 08:00 hours on Saturday and 08:30 hours on Sunday is considered reasonable. This is similar opening hours to that of the neighbouring bakery at No. 48 Dorset Street.

The applicant advises that the previous occupiers had 90 covers on the ground floor and 30 seated or 50 standing guests at basement level. The current proposal reduces the overall amount of covers to 80.

Odours from the bakery

Objectors have raised concerns regarding additional smells from the bakery. The proposal includes the replacement of plant. This includes replacement ventilation systems which will be installed to filter out any associated smells with the bakery and restaurant via the high level duct. This objection is therefore no considered to be sustainable.

Plant

One objection raises concerns regarding the introduction of plant on the wall adjoining 29 Manchester Street. Environmental Health have assessed the revised acoustic report and have no objection to the proposal and state that the air conditioning units are likely to comply with the City Council's standard noise conditions, provided that the acoustic screen is installed prior to operation of the air conditioning units, and the hours are limited to 07.00-23.00. Therefore the objection relating to the plant being located away from the wall adjoining 29 Manchester Street are not considered sustainable to justify a reason for refusal.

The objection also requests the duct to be fitted with sound absorbing cladding. The lower part of the duct is encased in acoustic housing and the Environmental Health Officer confirms that these proposals are acceptable.

Internal noise

One objection raises concerns that the location of the toilets in the basement area and seating in the internal ground floor (seating area) in the south west corner will have a detrimental impact to their amenity due to noise from activity in these rooms travelling through the adjoining walls and impacting their main bedroom. However, given that the existing use of the premises remains as a restaurant, there are no planning grounds for controlling the existing layout.

Following a discussion with the City Council's Environmental Health Officer, the introduction of toilets within the basement level are not likely to cause additional noise activity to residential properties above. They confirm that even with small extractors, the modern units do not cause unreasonable amounts of vibration and noise.

8.4 Transportation/Parking

Increased parking and deliveries

Objections have been received which relate to the increase in on street parking on Dorset Street. As mentioned above, the amount of covers is less than that of the previous occupiers. Furthermore given the relatively small size of the bakery (35 sqm) it is unlikely to generate large increases of on street parking. Therefore, it is not considered likely that the use will add to parking pressure on residential parking along Dorset Street.

The applicant confirms that there will be no change to the existing servicing and delivery of the restaurant, which will incorporate the deliveries required for the bakery.

Cycle parking

The Highways Planning Manager references the requirement of cycle parking within the London Plan from a threshold of 100sqm for A1/A3 use - 1 space per 175sqm. The use

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of the A3 restaurant remains unchanged. The use of the A1 bakery falls short of the requirement for cycle parking.

8.5 Economic Considerations

Any economic benefits are welcome.

8.6 Access

The access arrangements to the property remain unchanged. Access to the basement level bakery will be via the existing external staircase which provide an independent access to this area.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.9 Planning Obligations

Planning obligations are not relevant in the determination of this application. The proposal is not CIL-liable.

8.10 Environmental Impact Assessment

The scheme is of insufficient scale to require an Environmental Impact Assessment.

8.11 Other Issues

Waste

The Cleansing Officer raises no concerns to the proposed screen to cover the bin store, however he has requested more details regarding the waste and recycling storage requirements for the basement level restaurant (Class A3) and/or bakery (Class A1) unit.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

9. KEY DRAWINGS

PLANNING PROPOSED (CLOSED)

PLANNING PROPOSED (OPEN)

NOTES:
 1. See all notes on this drawing.
 2. All work shall conform to the applicable building and fire codes and regulations. The contractor shall be responsible for obtaining all necessary permits and approvals.
 3. The contractor shall be responsible for the safety of any structure and shall be liable for any damage to any structure or contents of any structure.
 4. The contractor shall be responsible for the safety of any person and shall be liable for any injury to any person.
 5. The contractor shall be responsible for the safety of any property and shall be liable for any loss of any property.
 6. The contractor shall be responsible for the safety of any work and shall be liable for any accident or injury to any work.
 7. The contractor shall be responsible for the safety of any materials and shall be liable for any damage to any materials.
 8. The contractor shall be responsible for the safety of any equipment and shall be liable for any damage to any equipment.
 9. The contractor shall be responsible for the safety of any tools and shall be liable for any damage to any tools.
 10. The contractor shall be responsible for the safety of any vehicles and shall be liable for any damage to any vehicles.
 11. The contractor shall be responsible for the safety of any other property and shall be liable for any damage to any other property.

Revision	Description
# 158/18	Updated
# 146/18	Clearing barriers and awning lighting added
# 146/18	Highglow windows changed to fixed glazing to allow clear operation of shopfront - Clear operation clarified - Glazing bars removed and removed glazing bars for Manchester street elevation by window removal

PLANNING	
FORGEARCHITECTS	
440 Oak Street	0887 278 770 x 2
1200 West 10th Street	toronto@forgearchitects.com
Project	52-55 Dorset Street
Client	ADK
Phase	Proposed Facade & Entrance Closed
Drawing Number	1398_GA_205 E
Date	Feb 16
Scale	1:100

PLANNING	
FORGEARCHITECTS	
440 Oak Street	0887 278 770 x 2
1200 West 10th Street	toronto@forgearchitects.com
Project	52-55 Dorset Street
Client	ADK
Phase	Proposed Facade & Entrance Open
Drawing Number	1398_GA_206 E
Date	Feb 16
Scale	1:100

DRAFT DECISION LETTER

Address: 52 - 55 Dorset Street, London, W1U 7NH,

Proposal: Alterations at basement and ground floor levels including the installation of a partially openable shopfront, erection of a bin store screen and installation of replacement plant to the rear and associated alterations. Dual/alternative use of part of the basement level as a restaurant (Class A3) and/or bakery (Class A1) and use of two areas of the private forecourt for the placing of nine tables and 18 chairs in association with the ground floor restaurant use.

Reference: 18/02822/FULL

Plan Nos: AOK Kitchen - Operational Management Plan

Proposed Plans: 1398_GA_203 B, 1398_GA_204 F, 1398_GA_209_C REV C, 1398_GA_219 A, 1398_GA_216 B, 1398_GA_205 E, 1398_GA_206 E, 1398_GA_220B, 1398_GA_222, 1398_GA_223

Demolition Plans: 1398_GA_207 A, 1398_GA_208 A

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:
For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.You must carry out piling, excavation and demolition work only:
 - o between 08.00 and 18.00 Monday to Friday; and
 - o not at all on Saturdays, Sundays, bank holidays and public holidays.Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of details of the following parts of the development - the treatment and appearance of the new full height kitchen extract duct. You must not start use the duct until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must remove the existing duct from the building before you install the new duct hereby approved.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must apply to us for approval of details of the following parts of the development, 1. Awnings (1:5 and 1:20 drawings), 2. Bin store (1:20 drawings), , You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 You must close the windows within the shopfronts hereby approved between 21:00 each day and 09.00 the following morning.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 8 At times when the shopfront hereby permitted is open
- (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property when the windows within the shopfront are open, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within restaurant, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property when the windows within the shopfront are open, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved when the windows within the shopfront are open. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 9 You must keep the external doors and windows closed whenever there is live music entertainment taking place at the premises. You can use them in an emergency or for maintenance only.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 10 No delivery service is to operate from the premises in connection with the basement level bakery use (Class A1) hereby approved.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 11 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- A schedule of all plant and equipment that formed part of this application;
 - Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - Manufacturer specifications of sound emissions in octave or third octave detail;
 - The location of most affected noise sensitive receptor location and the most affected window of it;
 - Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - The lowest existing LA90, 15 mins measurement recorded under (f) above;
 - Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask

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subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 12 The plant/machinery hereby permitted shall not be operated except between 08:30 hours and 23:00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 13 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 14 You must apply to us for approval of details of how waste is going to be stored in the basement level restaurant (Class A3) and/or bakery (Class A1) on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the property. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 15 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 16 You must not operate the plant hereby approved until the redundant plant has been removed.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of

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Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 17 You must carry out the measures included in your AOK Kitchen Operational Management Plan received on 29 June 2018 at all times and for the life of the development.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 11 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 18 Customers shall not be permitted within the basement level bakery (Class A1) premises before 07:30 or after 18:30 Monday to Friday, before 08:00 or after 18:00 Saturday and before 08:30 or after 18:00 on Sunday and bank holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 19 You must not put the tables and chairs and planters in any other position than that shown on drawing 1398_GA_220 B. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 20 You can only put the tables and chairs on the forecourt between 09:00 and 21:00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 21 This use of the forecourt may continue until 31 July 2019. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 22 The tables and chairs must only be used by customers of the ground and basement floor restaurant and bakery. (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 23 You can only put out on the pavement the tables and chairs and planters shown on drawing 1398_GA_220 B. No other furniture, equipment or screening shall be placed on the forecourt in association with the tables and chairs hereby approved.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

- 24 Customers shall not be permitted within the restaurant premises outside of the following hours:

Monday - Friday: 07:30 - 00:00,
 Saturday: 08:00 - 00:00, and
 Sunday: 08:30 - 23:30..

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 25 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA).

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that advertisement consent is required for the projecting sign under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 .

3 Condition 6 of this consent requires you to submit details of the proposed paint colour for the ground floor shopfront. You are advised that light colours such as the light grey shown in your supporting documents are not considered suitable for a traditional shopfront of this type, and a dark colour is likely to be considered more favourably.

4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

* Lighting - ensure luminaires can be safely accessed for replacement.

* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

6 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use.

Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;

* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;

* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;

* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;

* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 7 Conditions 11 and 12 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 8 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 9 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway.
- 10 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 11 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 12 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

DRAFT DECISION LETTER

Address: 52 - 55 Dorset Street, London, W1U 7NH,

Proposal: Alterations at basement and ground floor levels including the installation of openable shopfronts, the erection of a bin store screen, installation of replacement plant and duct to the rear and internal alterations at basement and ground floor level.

Reference: 18/02823/LBC

Plan Nos: AOK Kitchen - Operational Management Plan

Proposed Plans: 1398_GA_203 B, 1398_GA_204 F, 1398_GA_209_C REV C, 1398_GA_219 A, 1398_GA_216 B, 1398_GA_205 E, 1398_GA_206 E, 1398_GA_220B, 1398_GA_222, 1398_GA_223

Demolition Plans: 1398_GA_207 A, 1398_GA_208 A

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)
- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:
To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we

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adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The duct hereby approved shall be clad in a GRP screen to match the appearance of the existing original brickwork.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You shall remove the existing duct from the building before you install the new duct hereby approved.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must apply to us for approval of details of the following parts of the development, , 1. Awnings (1:5 and 1:20 drawings), 2. Bin store (1:20 drawings), 3. Projecting sign (1:5 and 1:20 drawings) , 4. External lighting fixtures (1:5 and 1:20), 5. Shopfront paint colour, You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these details. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 You must not disturb existing original timber floor boards and vaulted ceilings at basement level unless changes are shown on the approved drawings. (C27MA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 9 You shall remove the existing flag pole from the building before installing any new signage.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You are advised that advertisement consent is also required for the projecting sign under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 3 Condition 6 of this consent requires you to submit details of the proposed paint colour for the ground floor shopfront. You are advised that light colours such as the light grey shown in your supporting documents are not considered suitable for a traditional shopfront of this type, and a dark colour is likely to be considered more favourably.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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Agenda Item 2

Item No.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Brock House , 19 Langham Street, London, W1W 6PA		
Proposal	Erection of two storey mansard roof extension to provide additional Class B1 office accommodation and including the installation of plant at roof level, infilling of existing lightwells, alterations to external facades, and other associated works.		
Agent	DP9 Ltd		
On behalf of	Gascoyne Holdings Limited		
Registered Number	18/02099/FULL	Date amended/ completed	28 June 2018
Date Application Received	13 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission, including a condition to secure the Crossrail payment.
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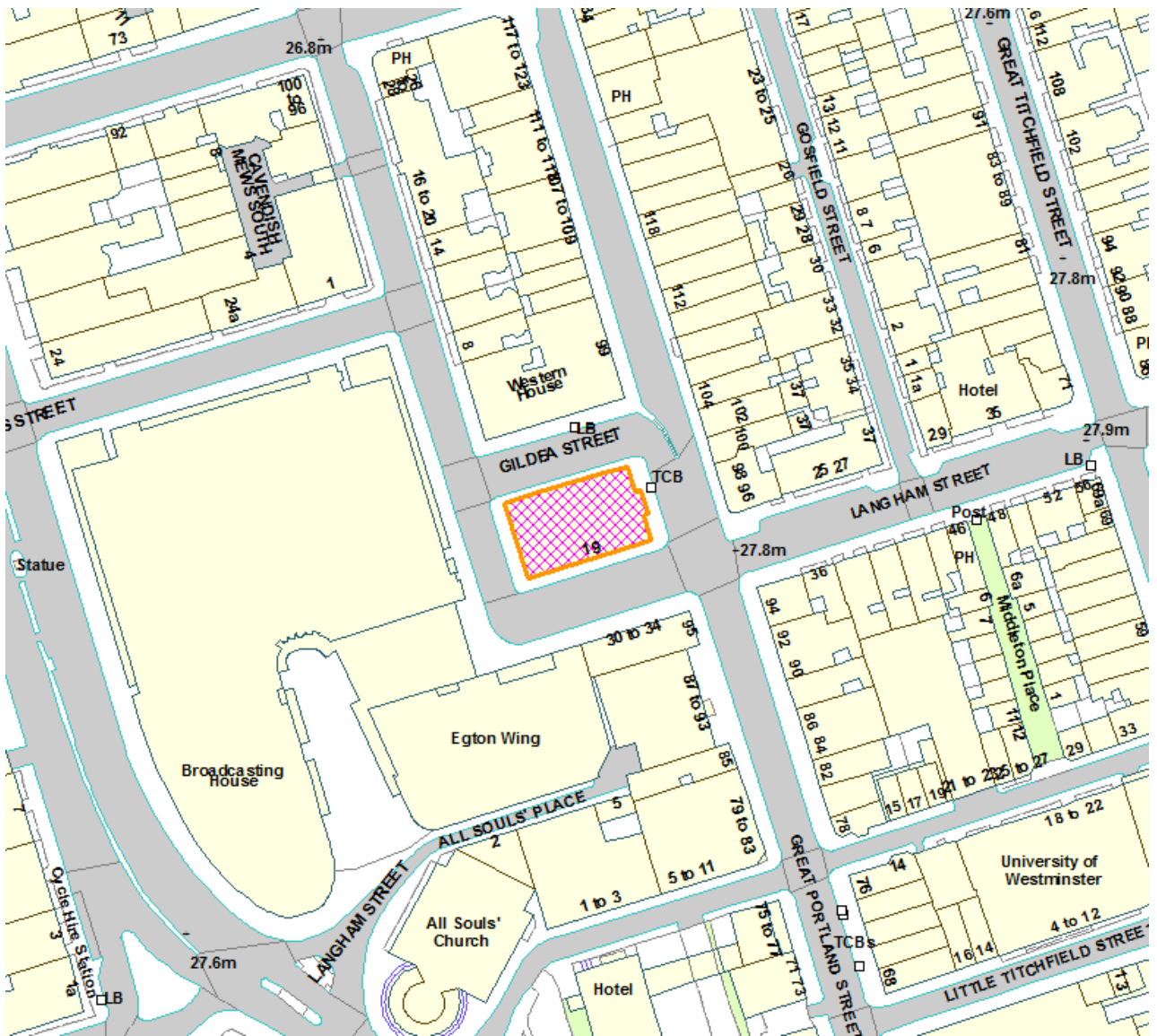
2. SUMMARY

The application relates to an attractive early twentieth century building, the lawful use of which is as Class B1 offices. Permission is sought to build a 2-storey extension at roof level to provide additional office accommodation (640 sqm GIA) and mechanical plant, together with other alterations. The site is located within the Core Central Activities Zone and on a Named Street (as designated in the Westminster City Plan) and so the proposal complies with the Council's land use policies. The key issues are considered to be:

- The acceptability of the roof extension on the design and appearance of the building and its contribution to the Harley Street Conservation Area;
- The impact of the extension on the amenity of residents living in Great Portland Street and Langham Street, opposite the site.

The design of the roof extension has been the subject of lengthy negotiations between Council officers and the applicant's agents and architects and is now considered to be acceptable. Objections have been received from three local residents on amenity grounds. For the reasons set out in the background report, the proposals are now considered to be acceptable in land use, design and amenity grounds.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View from the corner of Great Portland Street and Langham Street



5. CONSULTATIONS

HISTORIC ENGLAND (ARCHAEOLOGY)

Request imposition of a standard archaeological condition requiring the submission for approval of a written scheme of investigation.

MARYLEBONE ASSOCIATION

Should the Council be minded to approve the application, the Association expects to see an exemplary site environmental management plan (SEMP) that goes above and beyond the basic requirements, to ensure that full consideration has been given to neighbouring residents and their amenity.

ENVIRONMENTAL HEALTH

No objection on environmental or nuisance grounds, subject to the imposition of standard conditions restricting noise levels and vibration from mechanical plant.

HIGHWAYS PLANNING MANAGER

Has raised concerns about inadequate provision for cycle parking, insufficient information about servicing, and the need for clarification about arrangements for waste collection (and to avoid potential conflict with pedestrians on the pavement).

PROJECTS OFFICER (CLEANSING)

No objection subject to a condition securing the storage of waste and recyclable materials.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 120;

Total No. of replies: 3, raising objections on some or all of the following:

- Loss of daylight and sunlight
- Loss of privacy
- Noise and disturbance from the construction works
- Increased business activity will increase noise levels

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The building is slightly unusual in that it is a free-standing, 'island' site, with frontages on Great Portland Street, Langham Street, Gildea Street and Hallam Street. It comprises basement, ground and four upper floors. Immediately to the west of the site is Broadcasting House. The lawful use of the premises is wholly as Class B1 offices and until recently it was occupied by the BBC.

The building is not listed but it is within the Harley Street Conservation Area and is regarded as an Unlisted Building of Merit. It was built in the early twentieth century, largely in Portland stone and red brick. The site is also located within the London View Management Framework protected vista from Primrose Hill to the Palace of

Westminster. The site is just located within the Core Central Activities Zone (CAZ) and Great Portland Street (which is one of the frontages of the building) is a 'Named Street' within the Marylebone and Fitzrovia area (policy S8 of the City Plan). This is a mixed use area, predominantly commercial but with a number of residential properties in the vicinity.

6.2 Recent Relevant History

May 2012 – permission granted for replacement of existing air handling unit on roof with a new unit; installation of a walkway next to new air handling unit on roof and installation of 1.8m satellite dish on roof.

August 1997 – permission granted for the erection of roof-top plant, modifications to the ground floor windows and installation of a new entrance to the Hallam Street frontage.

7. THE PROPOSAL

The application proposes the removal of the existing roof top plant and replacement with a two storey mansard roof extension (including new plant), the infilling of an existing internal lightwell (between the second and fourth floors) and changes to the external façade creating a building of ground floor plus six storeys (plus existing basement). The site will remain in continued office use (Class B1). The internal refurbishment will allow for better quality employment floorspace than existing. The floorspace changes are as follows:

	Existing GIA (sqm)	Proposed GIA(sqm)	+/- (GIA) (sqm)
Class B1 offices	2,849	3,489	+640 (22.5%)

8. DETAILED CONSIDERATIONS

8.1 Land Use

The site is located within the Core Central Activities Zone and under the terms of policy S1 and S20 of the City Plan an increase in office floorspace is acceptable in principle. The applicants advise that the existing accommodation is outdated and the provision of modern floorspace that will help contribute to the area’s economic function is welcomed.

Policy S1 also states

“For development within Core CAZ, the Named Streets, and Opportunity Areas, which includes net additional B1 office floorspace:

- A) Where the net additional floorspace (of all uses) is
 - i. less than 30% of the existing building floorspace, or
 - ii. less than 400sqm; (whichever is the greater),

or where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required.”

In this case the office increase is 22.5% of the total floorspace, and the net additional floorspace of all uses is less than 400sqm; therefore the proposal does not trigger a requirement for residential floorspace. Similarly there is no requirement for the provision of affordable housing.

The Highways Planning Manager has queried whether some of the changes to the facades at ground floor level imply change of use to Class A1 retail (with potential implications for cycle parking, waste storage and servicing): this is not part of the proposal, which is to retail the building in wholly Class B1 office use. Use of part of the property for retail purposes would require separate planning permission and would be considered on its own merits under relevant planning policies.

8.2 Townscape and Design

Brock House, 19 Langham Street, is an unlisted c1907 building located within the Harley Street Conservation Area. Broadcasting House, which is grade II* listed, is located immediately to the west of the site and a grade II listed building is also located opposite the site at 94 Great Portland Street. The existing building consists of a basement, ground floor and four upper storeys with an additional plant enclosure at roof level. The building is located on an island site with frontages on to Great Portland Street to the east, Hallam Street to the west, Langham Street to the south and Gildea Street to the north.

The building is identified in the Harley Street Conservation Area Audit as a site where a roof extension may be acceptable in principle. It is also located within the protected viewing corridor from Primrose Hill to the Palace of Westminster. The proposed development falls below the height of the development plane.

Planning permission is sought for a two storey mansard roof extension. The penultimate storey of the proposed extension is designed as a sunken storey behind the parapet of the principal facades with full width glazing. The uppermost storey has dormers to all sides. A secondary pitch continues upwards from the ridge to obscure a lift overrun and PV panels.

The principle of a roof extension on this building is considered acceptable in design terms. Buildings immediately to the north, south and west of the application site, including the listed building at Broadcasting House, are higher than the application site and an increase in height would not be uncharacteristic of buildings in this part of the conservation area nor out of scale with the composition of these larger buildings. The applicant was originally advised that a single storey roof extension with a plant enclosure above was likely to be considered the most appropriate form up upwards extension. However, the submission proposes the addition of two full storeys with plant incorporated into the uppermost storey. Following extensive negotiations with regards to its design, it is considered that the revised proposal for a two storey roof extension is now acceptable for the reasons set out below.

Design negotiations have sought to minimise the height, bulk and visual impact of the proposed roof extension. Revised drawings have been submitted which show the height of the ridge lowered compared with the original submission which reduces the bulk visible from street level. Original proposals for full height dormers to the uppermost

storey were also resisted and these have also been reduced in size, and now relate more successfully to the hierarchy of the principal facades. Whilst the proposed secondary pitch results in an increase in overall height, this has the design benefit of obscuring the lift overrun and PV panels. 3D visuals demonstrate that this secondary pitch will not be visible from street level. Following these design revisions, it is considered that the proposed roof extension relates more successfully to the composition and scale of the existing building and will appear less top heavy from street level and private high level views. Furthermore, options which showed the uppermost storey as a plant enclosure demonstrated that due to the extent of plant required, the enclosure would have been extremely prominent in views from street level.

On balance therefore, given the design revisions which have been secured, it is considered that the proposal for a two storey roof extension (the uppermost of which incorporates plant) to this building will preserve the character and appearance of this part of the conservation area and is compliant with DES 6 and DES 9 of the UDP.

Alterations are proposed to all facades including the replacement of the existing steel windows. Original proposals to replace the steel windows with bronze coloured aluminium frames were resisted, because this was considered inappropriate for a building of this age and character. The proposals have subsequently been revised to show steel framed replacements coloured white to match the existing originals.

Permission is also sought to infill an existing internal lightwell, which will not be visible from any public or private vantage points and is considered uncontentious in design terms.

Overall, the revised proposals are considered compliant with DES 5, DES 6 and DES 9 of the Council's Unitary Development Plan and will preserve the character and appearance of this part of the conservation area and the setting of nearby listed buildings. The application is therefore recommended for approval in design terms.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of residential amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Sunlight and Daylight

The application is supported by a daylight and sunlight report based on the guidance published by the Building Research Establishment (BRE). Residential properties within the vicinity of the site are located at 30-34 Langham Street/95 Great Portland Street, 94, 98-100, 102, 106 and 108 Great Portland Street. These properties have been consulted about the application and three objections have been received – one from an occupier of a flat in 30 Langham Street (immediately to the south of the application site, on the corner with Great Portland Street) and two from occupiers of flats in 100 Great Portland Street (immediately to the east, on the corner with Langham Street). The objections are on amenity grounds:

- Loss of daylight and sunlight
- Loss of privacy
- Noise and disturbance from the construction works
- Increased business activity will increase noise levels

The case officer has visited all three objectors to assess the impact of the proposals on their flats.

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

The BRE guidelines do advise that they should be applied sensibly and flexibly.

The application is accompanied by a daylight and sunlight report. This demonstrates that whilst there will be some loss of daylight and sunlight to some flats, all losses are within the BRE guidelines.

At 30 Langham Street, there are five flats on the first to fifth floors, with one flat per floor: the large living-kitchen-dining rooms occupy the corner of Langham Street and Great Portland Street and are thus dual aspect, with bedrooms and bathrooms occupying the rest of the floor facing the application site. The daylight and sunlight study indicates that the maximum loss of daylight to this property is a reduction of VSC of 17.45%, to a bedroom. Apart from a loss of 11.11% VSC to a window serving a kitchen area, there is no loss of VSC more than 10% to any living-kitchen dining rooms in this property, including the objector's flat. As these flats are largely north facing, the proposal would have no impact on the sunlight they receive.

The two objectors in 100 Great Portland Street occupy the two flats on the top (fourth) floor of the property: Flat A's living room faces the application site and Gildea Street and it will lose 5.3% of its VSC; the open plan living-kitchen-dining room of Flat B occupies the corner with Langham Street and has the 'turret' window, and so is dual aspect: its loss of VSC is less than 6%. Losses to other flats on the lower floors are all less than 9%, and there are similar losses to the residential accommodation in adjoining properties on Great Portland Street. The impact of the extension on daylight distribution within the affected flats is also well within the recommended BRE guidelines.

As these buildings are largely west facing, there will be some loss of sunlight, however the losses are relatively small and the affected rooms remain fully compliant with the BRE guidelines. The resident of Flat A, 100 Great Portland Street (fourth floor) has objected on the grounds of loss of sunlight: the living room will lose 8.2% of its annual probable sunlight hours (APSH) and 18.8% of its APSH, but the annual figure remains high at 45% and the winter at 13%. For her bedroom, the annual loss of sunlight is only 4%, and there is no winter loss. The impact on the adjoining Flat B (whose occupier has also objected) is also minimal – a maximum of 11.8% annual sunlight and no loss during winter.

Therefore the impact on the daylight and sunlight to neighbouring residential properties is compliant with the BRE guidelines and the objections on these grounds are not considered to be sustainable.

Sense of enclosure and overlooking

Part (F) of Policy ENV13 states that developments should not result in an increased sense of enclosure, and seeks to resist developments that would result in an unacceptable degree of overlooking.

Although the extension will be clearly visible for the upper floors of residential properties opposite, it is not considered that it will result in any excessive sense of enclosure that would justify a refusal. The flats in 100 Great Portland Street benefit from being partially opposite Gildea Street and Langham Street, thereby maintaining a degree of openness.

As the residential properties are already overlooked from the application site, it is not considered that the objection to overlooking of the fourth floor flat in 100 Great Portland Street can be sustained. There are some sliding windows in the new fifth floor, opposite the flats in 100 Great Portland Street, but there is a metal railing to prevent anyone stepping out onto the very small flat roof and a condition require this handrail to be installed and prevent use of the flat roof areas. The distance between the new windows and the flats in No. 100 is also approximately 20m, and on this basis it is considered that the opportunity for overlooking is minimal.

8.4 Transportation/Parking

The site is in a highly accessible location with excellent access to sustainable modes of transport, with a PTAL score of 6b. The development will be car free (as existing). A transport statement submitted with the application indicates that most trips to the site will be by public transport and on foot.

A total of 14 cycle parking spaces will be provided in the basement and accessed via lift. The Highways Planning Manager has expressed disappointment that more cycling parking is not provided: The London Plan Policy 6.9 requires 1 space per 90m² of B1 office. With a total floorspace of 3,495 sqm, there would be a requirement for 39 cycle parking spaces. The applicant argues that the uplift in B1 floor space (640 sqm) would only generate a requirement for 8 cycle parking spaces and therefore the 14 exceeds the minimum policy requirement.

In this case the amount of cycle parking provision is considered to be adequate and this will be secured by condition.

City Plan policy S42 and TRANS20 of the Unitary Development Plan (UDP) requires off-street servicing. No off-street servicing is provided for the development, but this is the existing situation. The applicant has included overarching servicing information within the submitted Transport Statement, which is considered to contain a number of sound principals on minimising the impact of servicing on the highway, however the detail is considered lacking. An updated, more detailed Servicing Management Plan is secured by condition.

8.5 Economic Considerations

There will be small economic benefits arising from the increase in office accommodation and the refurbishment of the building as a whole, which are welcomed given the location within the Core CAZ.

8.6 Access

The refurbished building provides level access to main entrance, two accessible lifts for staff and disabled refuse points on every floor.

8.7 Other UDP/Westminster Policy Considerations

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

Noise

There has been an objection that the increased business activity will increase noise levels. This is a commercial location, next to the busy Broadcasting House, and it is considered that the additional accommodation to this existing office building will have a negligible impact on noise levels perceived by residents within their flats.

Plant

Plant is proposed within the basement and at roof level, as part of the new sixth floor. It is located on the Hallam Street side of the site, and therefore located away from the main residential properties on Great Portland Street. Policies ENV6 and ENV7 of the

UDP and S32 of the City Plan seek to protect occupants of adjoining noise sensitive properties from the impacts of noise from new development, including from plant. Environmental Health have assessed the plant and have no objections to it. Conditions will ensure that the plant operates within acceptable limits.

Refuse /Recycling

The proposals include a dedicated bin store for refuse and recyclable materials. The Projects Officer (Waste) has confirmed that this is acceptable. It will be secured by condition.

Biodiversity

Part of the main roof is designated as a green roof. However, it occupies less than half of the area, which includes a lift overrun and solar PV panels. Although welcomed, the contribution to biodiversity is likely to be minimal.

Sustainability

The London Plan requires proposals to contribute to minimising carbon dioxide emissions in accordance with the Be Lean, Be Clean and Be Green hierarchy to be achieved (Policy 5.2). The London Plan also requires the highest standards of sustainable design and construction (Policy 5.3) and increase the proportion of energy generated from renewable resources (Policy 5.7). City Plan Policy S28 requires development to incorporate exemplary standards of sustainable and inclusive design and architecture. Policy S40 states that all major development should maximise on-site renewable energy generation.

An Energy and Sustainability Statement has been submitted with this application. The energy strategy adopts a hierarchical approach using passive and low energy design technologies to reduce baseline energy demand and CO2 emissions followed by the application of low and zero carbon technologies. The focus of this energy strategy is on CO2 reduction by using a highly efficient building envelope where feasible with high efficiency mechanical and electrical services, along with air source heat pumps and the photovoltaic (PV) cell renewable technology. The result is a proposed development with predicted CO2 emissions reduction of 28.02% over the Building Regulations 2013 compliant baseline scheme. The renewable energy technologies of air source heat pumps and solar PV panels are predicted to achieve a 22.36% CO2 reduction of regulated uses.

An Air Quality Assessment has been undertaken and submitted with this planning application. Overall, the building and transport emissions calculated for the proposed develop show that the Development is likely to be 'air quality neutral'.

8.8 London Plan

This application raises no strategic issues and is not referable to the Mayor of London.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application. The estimated Westminster CIL payment is £128,000; the estimated Crossrail payment is £89,600, though this will be partially offset by the Mayoral CIL. The Crossrail payment will be secured by condition.

8.11 Other Issues

Basement Works and Archaeology

The site is located within the Great Estates Archaeological Priority Area (APS). There is an existing basement but the proposal includes a small amount of excavation to create a new lift pit. The application was accompanied by an Archaeological Assessment, which has been reviewed by the Archaeological Advisor at Historic England. She advises that the Assessment indicates modest archaeological potential for Palaeolithic, Roman and post-medieval remains, with the slight possibility of burials associated with an eighteenth century chapel. However, overall there is only likely to be low/localised harm from new groundworks. A condition is therefore attached to the draft planning decision to require further archaeological investigation in the form of a written scheme of investigation.

Construction impact

The Marylebone Association have requested that if approved, there should be an “exemplary” Site Environmental Management Plan to protect the amenity of local residents. One of the residential objectors (who states that he works from home) is also concerned about noise and disruption during building works. This is considered to be a Level 3 development, being a sensitive site, very close to a number of residential properties and having potentially harmful impacts during construction. The applicant has offered to sign up to the Council Code of Construction Practice which would deal with this matter, and this is secured by condition.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council’s website)

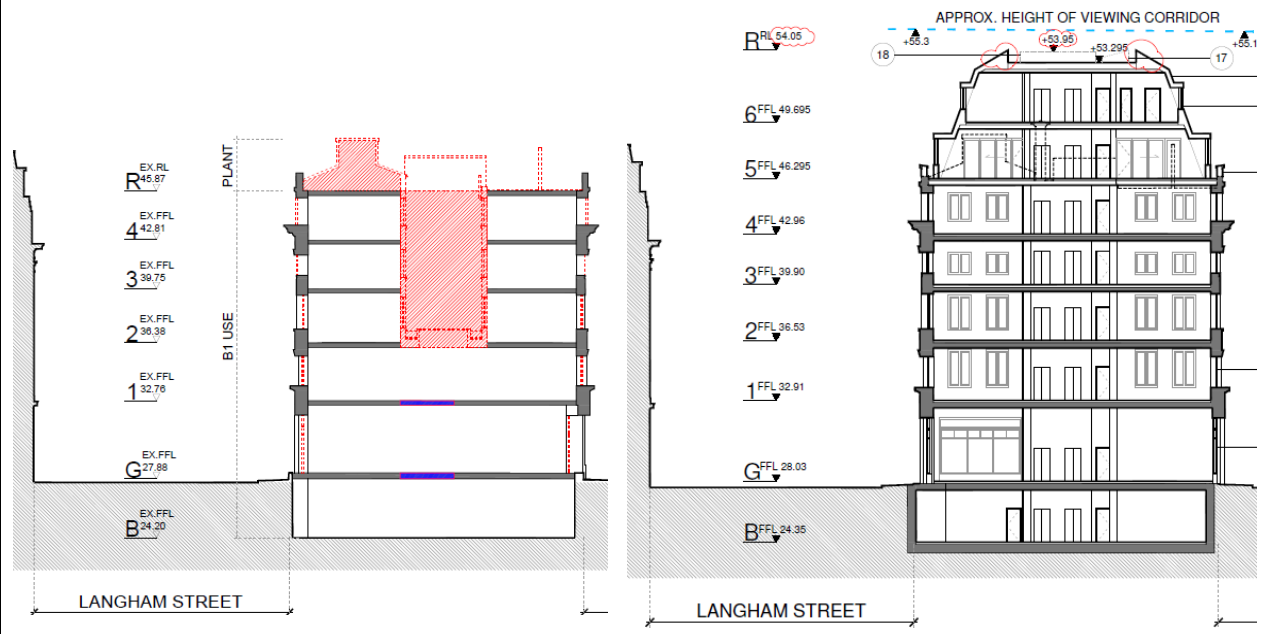
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

9. KEY DRAWINGS

Great Portland Street façade – existing and proposed



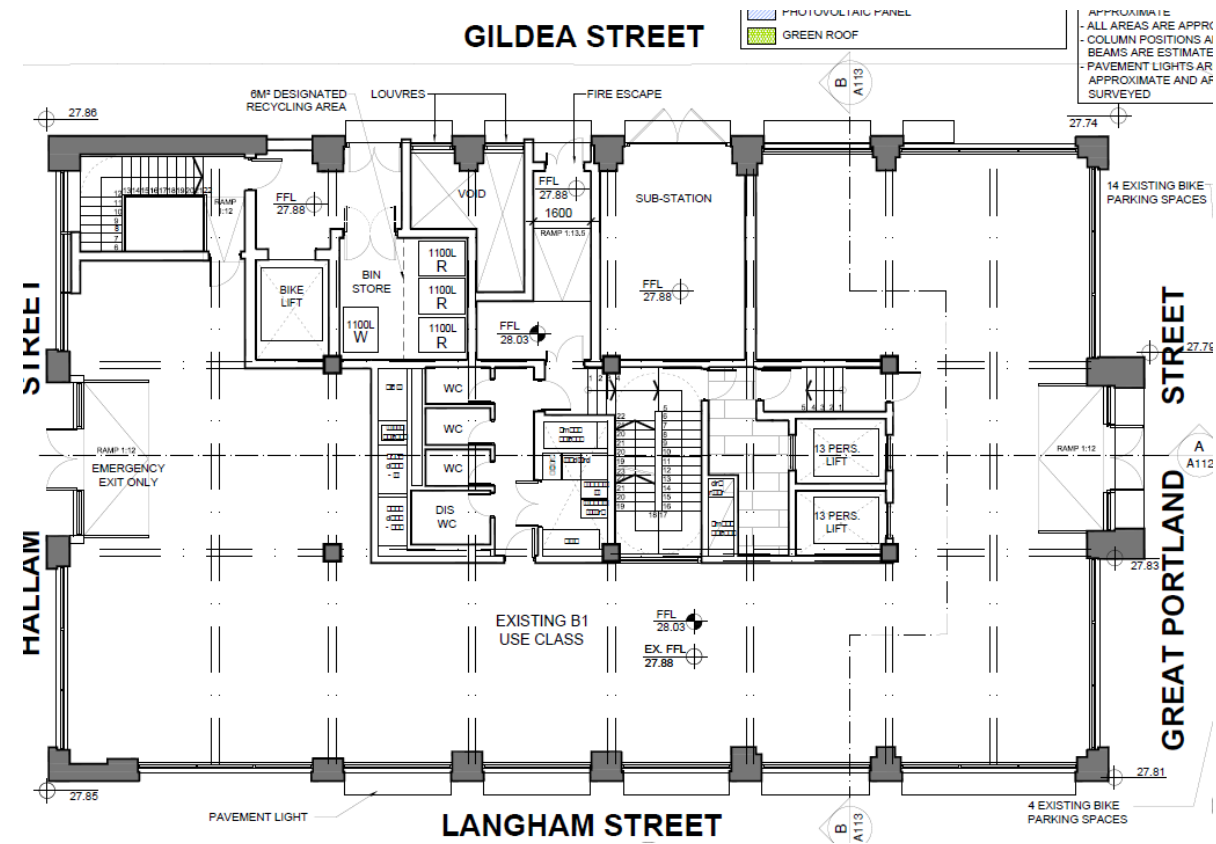
Section B-B – existing and proposed



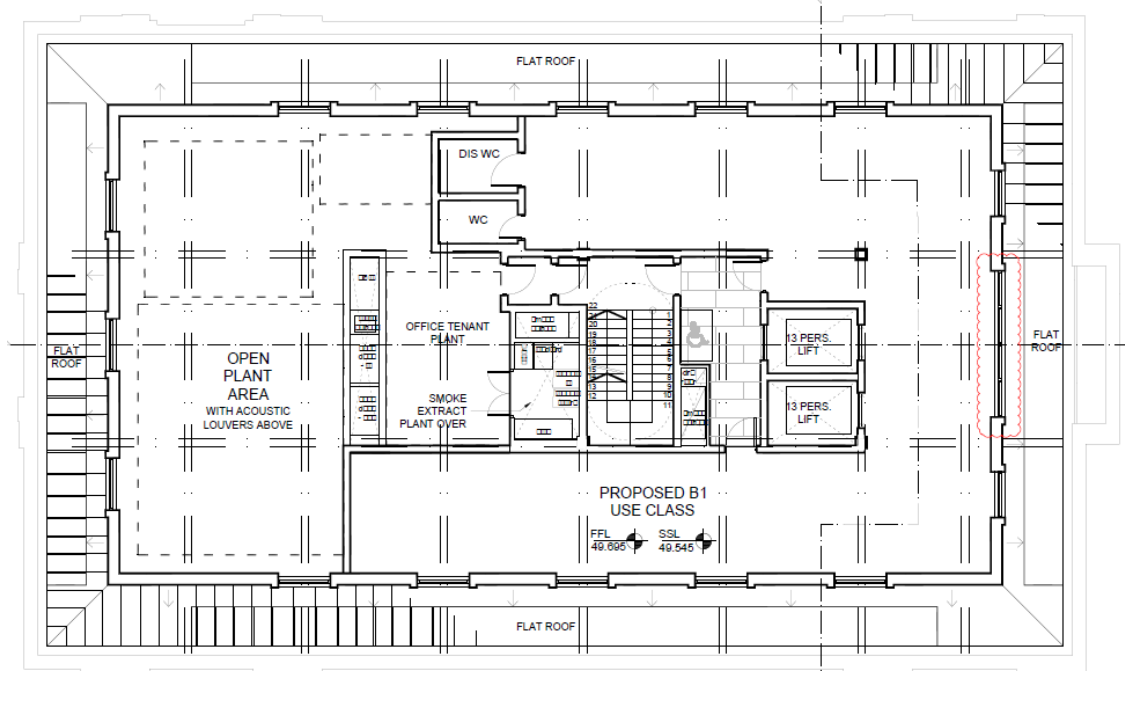
Langham Street façade – existing and removed



Proposed ground floor



Proposed sixth floor



DRAFT DECISION LETTER

Address: Brock House , 19 Langham Street, London, W1W 6PA

Proposal: Erection of two storey mansard roof extension to provide additional Class B1 office accommodation and including the installation of plant at roof level, infilling of existing lightwell, alterations to external facades, and other associated works.

Reference: 18/02099/FULL

Plan Nos: A101-REV C, A102-REV C, A104-REV B, A107-REV B, A108-REV E, A109-REV D, A112-REV F, A113-REV D, A115-REV E, A116-REV F, A117-REV E, A118-REV E and A119-REV C; Design and Access Statement dated March 2018; Site Location Plan A010.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

Item No.
2

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development: , , 1. New external windows (1:5 and 1:20), 2. Dormers (1:5 and 1:20), 3. Shopfronts (1:20), , You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm,

and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 9 (1) Noise emitted from any emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., , (2) Any emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., , (3) Testing of any emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 10 You must provide the waste store shown on drawing A102 Rev C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 11 Before the commencement of any excavation works at basement level: , , (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us. , (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST. , (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 12 You must not use the roof of the extension, nor any of the areas on the approved plans that are annotated as 'flat roof', for sitting out or for any other purpose. The metal handrail (shown annotated at fifth floor level on the Great Portland Street frontage) must be installed before the office use commences at fifth floor level. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 13 You must provide each of the 14 cycle parking spaces (and the associated shower and change facilities) shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 14 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained

therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 15 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 16 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated March 2018 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 17 You must provide an updated Servicing Management Plan (SMP), to clearly identify process, storage locations, scheduling of deliveries (including waste collection) and staffing arrangements, as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. The SMP must be submitted for our approval before commencement of the office use in the extensions hereby approved. The offices must then be occupied in accordance with the approved SMP.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 You must provide the environmental sustainability features (PV panels and air-source heat pumps) as set out in the Watkins Payne Energy Strategy Planning Issue Revision A, before you start to use any part of the development, as set out in your application. You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 19 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following: the Crossrail payment., , In the case of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefit in accordance with the Greater London Authority's Supplementary Planning Guidance Updated March 2016 'Crossrail Funding Use of Planning Obligations and the Mayoral Community Infrastructure Levy'.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under condition 19, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the Crossrail payment. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 3 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 4 Conditions 7, 8 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	48 - 58 Hugh Street, London, SW1V 4ER,		
Proposal	Erection of mansard roof extensions on Nos 48-58 Hugh Street to create additional residential accommodation in connection with each property.		
Agent	Mr James Smith		
On behalf of	Zaheed Nizar		
Registered Number	18/03060/FULL	Date amended/ completed	16 April 2018
Date Application Received	16 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Refuse planning permission - design.

2. SUMMARY

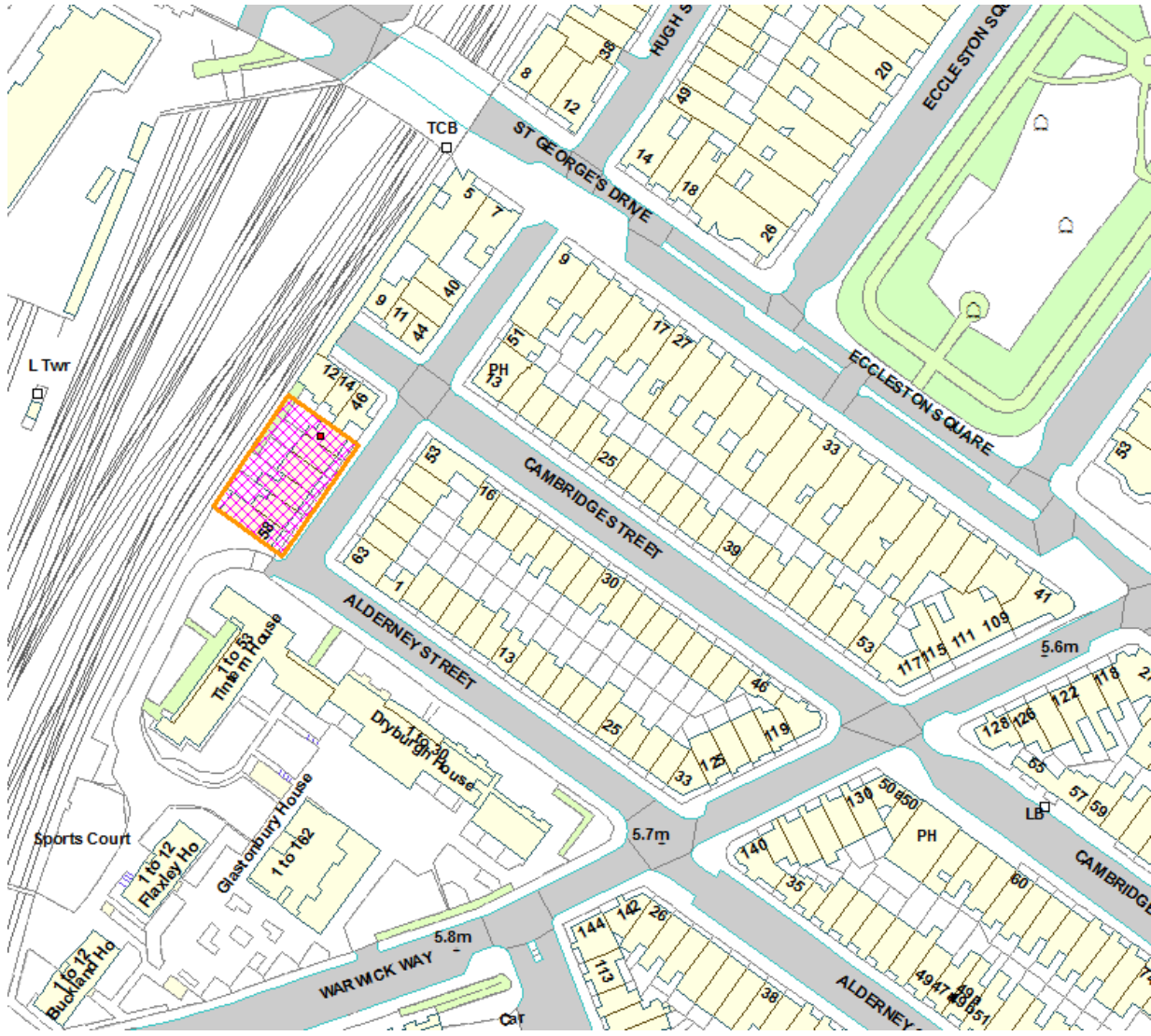
Nos. 48-58 Hugh Street are single-family dwelling houses with the exception of No. 58 which comprises a self-contained flat at basement level and separate unit on the upper floors. They are unlisted buildings of merit located within the Pimlico Conservation Area.

Permission is sought to erection a mansard roof extensions to each property to create additional residential accommodation.

The key issue for consideration is the impact of the mansard proposed alterations on the character and appearance of the terrace and Pimlico Conservation Area.

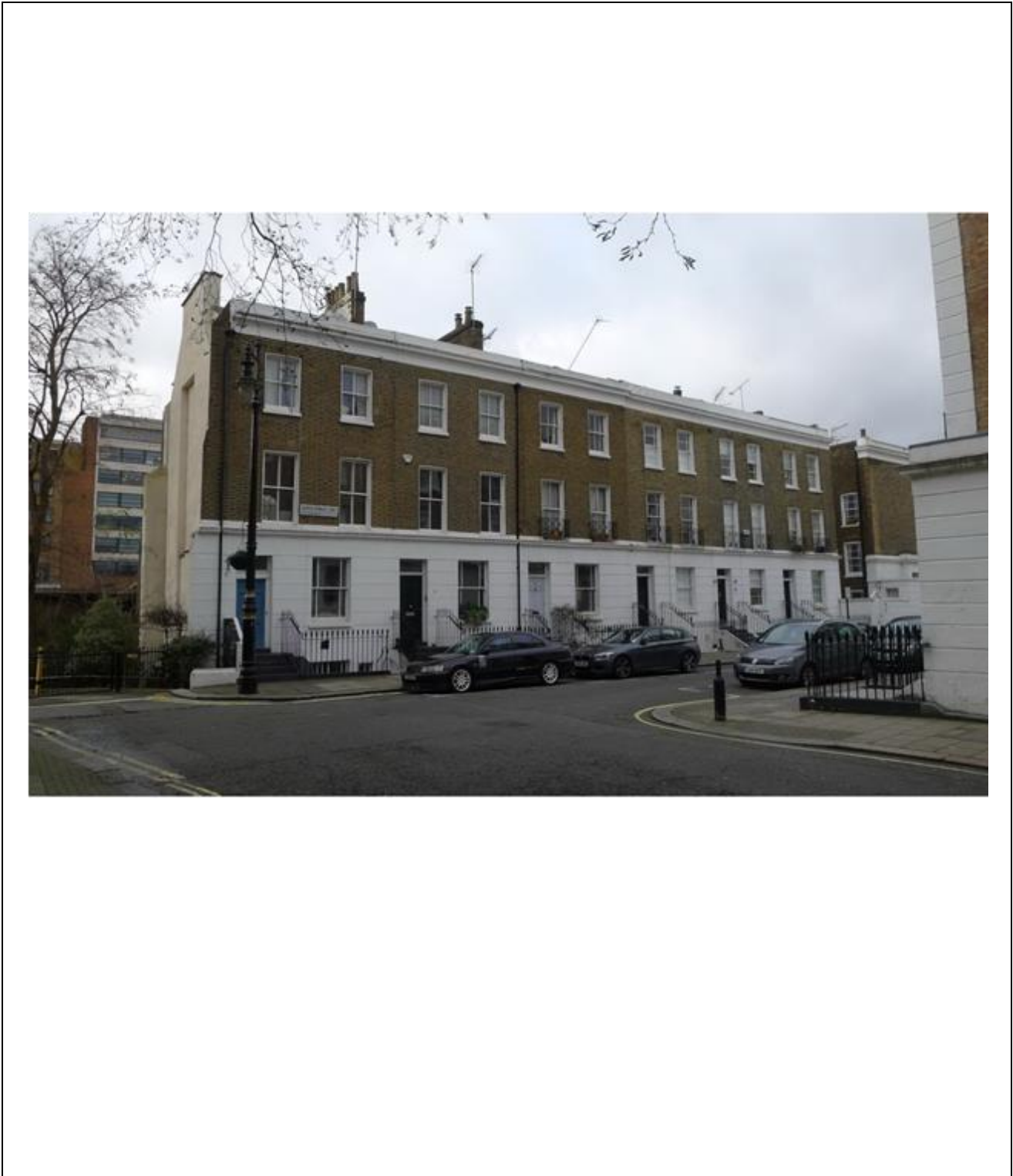
The proposal is considered unacceptable in design terms and contrary to policy as set out in the Westminster City Plan, Unitary Development Plan policies and the Pimlico Conservation Area Audit (2006).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WARD COUNCILLOR (WARWICK WARD):

No objection to the proposal provided that highways measures are undertaken during construction works, namely three general purpose paid parking spaces between the junction of Hugh Street and Cambridge Street and St George's Drive to be reallocated to residents parking and reinstated on completion of works and the Council to temporarily waive the prohibition on traffic exiting Hugh Street onto St George's Drive.

WESTMINSTER SOCIETY:

No objection. Sensible proposal to create additional residential accommodation with minimum impact on the streetscape.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 81

Total No. of replies: 4

No. of objections: 0

No. in support: 3

Design

- There are mansards in every direction in Pimlico, including on the opposite side of the street.
- The appearance of the block would be improved.
- Existing post war flats at the end of Hugh Street are unsympathetic in design and dominate the 19th Century Cubitt terrace buildings- additional height created by mansards would help redress this imbalance.
- Mansard extensions offer a practical and unobtrusive method of increasing much needed floorspace.

Construction

- Noise and disturbance caused by construction traffic.
- Reallocate 3no. parking spaces between the junction of Hugh Street and Cambridge street and St George's Drive to residents parking and reinstated on completion of works.
- The prohibition on traffic exiting Hugh Street onto St George's Drive should be temporarily waived.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The proposals relate to Nos. 48-58 Hugh Street, which are single-family dwelling houses with the exception of No. 58 which comprises a self-contained flat at basement level and separate unit on the upper floors. They are unlisted buildings of merit located within the Pimlico Conservation Area..

6.2 Recent Relevant History

58 Hugh Street

17/07924/CLEUD: Use of the basement as a self-contained residential dwelling certificate granted 30 October 2017.

48 Hugh Street

07/08812/FULL: Erection of single storey rear basement infill extension with terrace over at rear ground floor level with balustrade, second floor single storey extension and erection of mansard roof extension refused permission 08 January 2008.

Reason for refusal: bulk, location, design and appearance of mansard roof extension.

Dismissed on appeal on 22 October 2008 (APP/X5990/A/08/2071936)

Mansard element of scheme in conflict with paragraph 10.69 of DES 6 which records that roof extensions are not appropriate where terraces or groups of buildings have original unbroken or unaltered rooflines.

7. THE PROPOSAL

Permission is sought for the erection of mansard roof extensions on Nos 48-58 Hugh Street to create additional residential accommodation in connection with each property. The mansards would have natural slate, lead-clad dormers and timber sliding sash windows. The roof to No. 48 would be hipped.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Each roof extension will provide a bedroom and bathroom, approximately 27sqm of additional floor space. In land use terms this is broadly supported by S15 of our City Plan and therefore considered acceptable. However, whilst the provision of additional residential accommodation is acceptable in principle this is subject to applying other relevant policies in the Development Plan. It should also be stressed that no new residential units are being created in this proposal that would add to the City Council's housing stock. The proposal represents an enhancement to existing dwellings which is a largely personal benefit. It is therefore considered that there are no public benefits which would outweigh the design and heritage issues arising from the proposals.

8.2 Townscape and Design

Nos. 48-58, which comprises the entire terrace, are designated as unlisted buildings of merit in the Pimlico Conservation Area Audit. This means that the terrace can be considered to be a non-designated heritage asset in its own right, in addition to its contribution towards the conservation area which is a designated heritage asset. By

definition these properties are considered to be of particular value to the character and appearance of the Conservation Area and their demolition or unsympathetic alteration will be resisted.

Nos. 48-52 retain their original 'butterfly' roof form whereas Nos. 54-58 appear to have had their roofs previously altered. However from the front, all appear effectively as original with a flat parapet across the whole terrace. This was a typical design intention of the period and demonstrates a complete composition whereby the front parapet is intended as the upward termination of the terrace's architectural design.

The starting point for the consideration of development proposals within a conservation area is the statutory requirement imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special regard to the preservation or enhancement of the character or appearance of the area. This statutory requirement, as further informed by Section 12 of the National Planning Policy Framework (paragraphs 133 to 135 more specifically), means that harmful proposals may only be approved where they would be significantly and demonstrably outweighed by the public benefits which the scheme would secure (if any).

The relevant policy application for the proposals is Policy DES 6 of the Unitary Development Plan (the UDP), which relates to roof extensions and alterations on listed and unlisted buildings, but also Policy DES 9 which relates to development in conservation areas more generally.

Policy DES 6 (Roof Level Alterations and Extensions) seeks to avoid roof extensions which would adversely affect the architectural character or unity of a building or group of buildings. Paragraph 10.69 of the supporting text states; 'There are some buildings where roof extensions are not appropriate. These include terraces or groups of buildings that have original unbroken or unaltered rooflines, buildings that are as high, or higher, than their neighbours, and buildings where the existing roof or skyline contributes to the character of the area'.

This terrace group is characterised by consistent repeated architectural detail. They are unusual in Pimlico as they are a largely unaltered group, which retains its simple unaltered roofline with butterfly roofs (for three properties) hidden behind a straight stucco parapet. Here the terrace also forms part of a wider group with those around the junction to the north west also not been altered at roof level. There are views towards this group from a number of surrounding streets and the terrace gaps to either side of the group provide views toward side elevations. The rear elevation which exposes the original characteristic 'butterfly' gables is also very visible from the trainline to the rear and provides an insight into the plainer but nevertheless historic character of the rear of such terraces.

The unaltered terrace and unbroken roofline provides an important reminder of the original form and detail of the terraces which would have been found throughout Pimlico and makes a particularly important and positive contribution to the character of the conservation area. The Pimlico Conservation Area Audit also identifies the terrace as being inappropriate for roof extensions. As set out in the planning history, permission was refused for a mansard roof extension solely to No. 48 in 2008 which was subsequently dismissed on appeal. The appeal decision in relation to the mansard element of scheme found that the proposals would be in conflict with paragraph 10.69 of

DES 6 (Unitary Development Plan 2007 (UDP)) which records that roof extensions are not appropriate where terraces or groups of buildings have original unbroken or unaltered rooflines. This policy remains applicable today.

It is recognised that the applicant is seeking to develop the roofs of the properties as a single development. This singular development approach, whilst dramatically changing the character of the terrace's roofline, would at least ensure that it would still to have a continuous 'singular' roof form, albeit not that which currently characterises the terrace, and acts as an important reminder of the original form of terraces in the area. Had the application been considered acceptable in policy terms this singular development approach would have been preferable to ad-hoc individual extensions and could have been secured by condition.

Whilst exceptions are made for some cases such as this in the City Council's roof alterations supplementary planning guidance (1995), this is diminished somewhat by the later adoption of the UDP (2007) which does not include any such exception and which takes precedence in the consideration of development proposals. A complete terrace scheme would remain a dramatic change to the original character of the terrace and as such would cause harm to the conservation area. Given the current notations in the Pimlico Conservation Area Audit the proposals are considered to be unacceptable in principle.

In 2016 planning permission was refused for a similar scheme for 5-9 West Warwick Place nearby (16/05527/FULL). This proposed roof extensions to the whole terrace, which is also in the Pimlico Conservation Area and identified as unlisted buildings of merit where a roof extension (as identified in the Pimlico Conservation Area Audit) was also considered unacceptable. This is comparable to the current scheme and demonstrates recent decision-making in relation to such proposals. It is not considered that in light of current policy that a different approach is justified in this case.

The proposed design elements are well detailed in accordance with the design guidance for mansards in both the Pimlico Design Guide and the Roofs SPG (which is applicable in cases where a roof extension is considered acceptable in principle). Nevertheless, this does not outweigh the harm caused by the fundamental alteration of the terrace's roofline.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. The mansard to No, 48 has been hipped in order to reduce the bulk when viewed from properties to the north-west on Hugh Street. The hipped mansard does not cause unacceptable harm to residential amenity in terms of loss of daylight and sunlight or increased sense of enclosure.

8.4 Parking

As the proposal is for extensions to existing dwellings the proposal has no parking implications in terms of policy TRANS 23 of the UDP.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

There are no changes to the existing buildings access.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

The estimated CIL payment would have been £69,390.41 Westminster CIL and £10,540.81 Mayor's CIL had the application been considered acceptable.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

A letter of representation has raised the issue of construction and suggestions have been made for highway changes to help alleviate the impact on residents. This proposal is supported by Councillor Flight.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and had the application been considered acceptable the a condition would have been recommended to require the developer to comply with the with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the

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3

least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts. In this instance if the scheme obtained permission it would liaise with Highways regarding any necessary changes to parking restrictions or how the highway is used.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHW MASON BY EMAIL AT MMASON@WESTMINSTER.GOV.UK.
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9. KEY DRAWINGS



elevation to High Street as existing

DVM ARCHITECTS	
15 Abchurch Lane, London, EC4N 3DF	
Telephone: 0779 488 2221, Facsimile: 0779 487 2227	
www.dvmarchitects.com	
Project: Residents of 46-58 High St.	
Address: 46-58 High Street, London, SW1V 4ER	
Architect: DVM Architects	
Drawing: Elevation to High Street AS EXISTING	
Scale:	1:50
Date:	01.03.18
Year:	1940-08
Drawing No: 1940-08	
Revision: A	

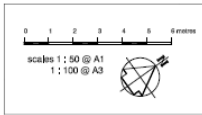


elevation to High Street as proposed

DVM ARCHITECTS	
15 Abchurch Lane, London, EC4N 3DF	
Telephone: 0779 488 2221, Facsimile: 0779 487 2227	
www.dvmarchitects.com	
Project: Residents of 46-58 High St.	
Address: 46-58 High Street, London, SW1V 4ER	
Architect: DVM Architects	
Drawing: Elevation to High Street AS PROPOSED	
Scale:	1:50
Date:	21.03.18
Year:	1940-20
Drawing No: 1940-20	
Revision: A	



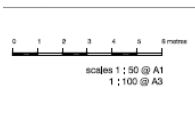
rear elevation as existing



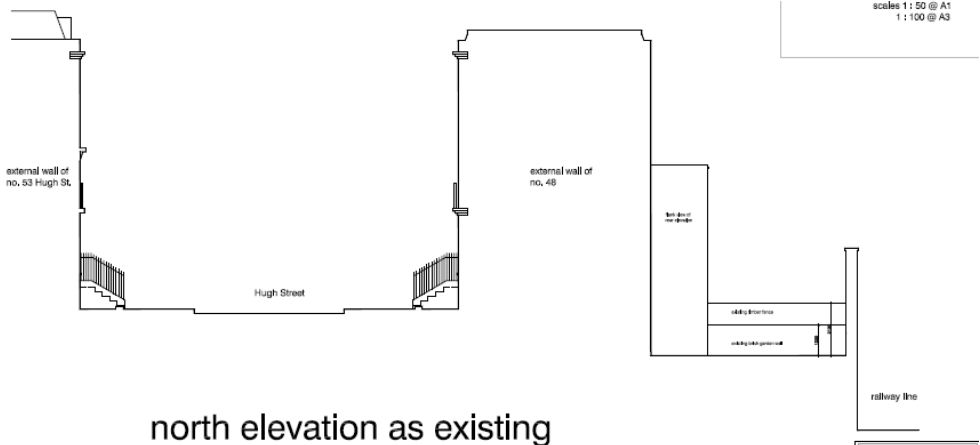
DVM ARCHITECTS			
14 Stone Street, London, EC6A 3DF			
Tel: 020 7403 8800 Fax: 020 7403 8801			
www.dvmarchitects.com			
Residents of 48-58 High St.			
48-58 High Street			
London SW1V 4ER			
Rear Elevation			
AS EXISTING			
Scale	Date	Sheet	
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1940-09			



rear elevation as proposed

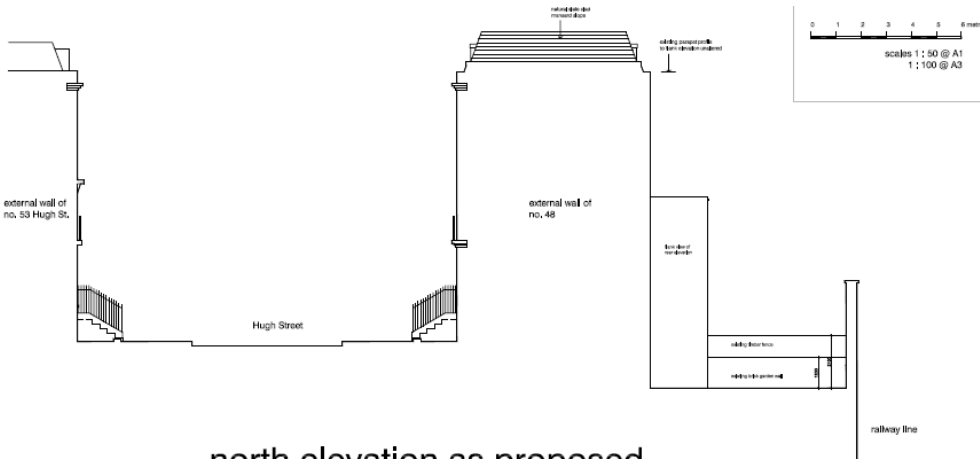


DVM ARCHITECTS			
14 Stone Street, London, EC6A 3DF			
Tel: 020 7403 8800 Fax: 020 7403 8801			
www.dvmarchitects.com			
Residents of 48-58 High St.			
48-58 High Street			
London SW1V 4ER			
Rear Elevation			
AS PROPOSED			
Scale	Date	Sheet	
1:50	21.03.19	1940	
1940-21		A	



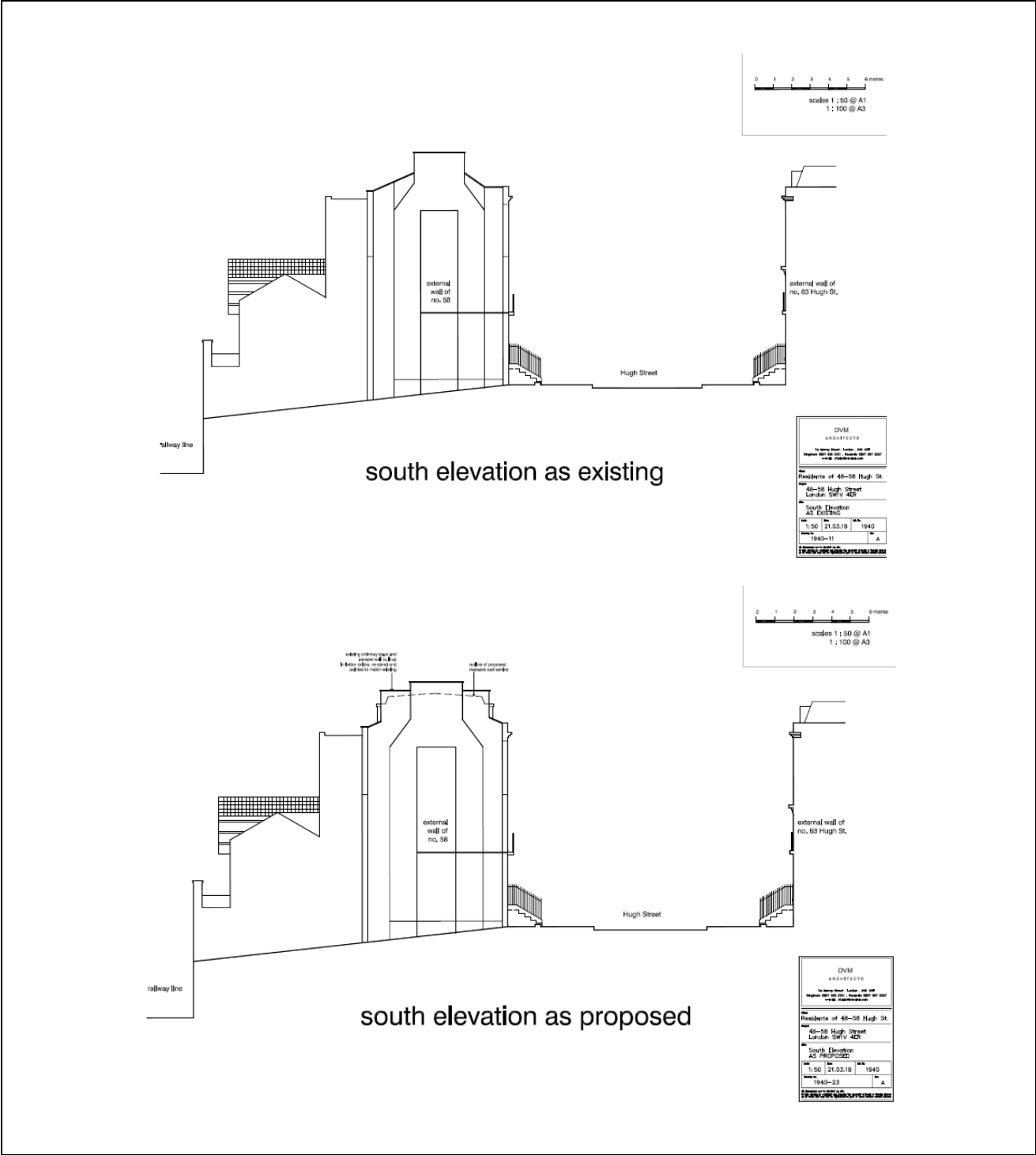
north elevation as existing

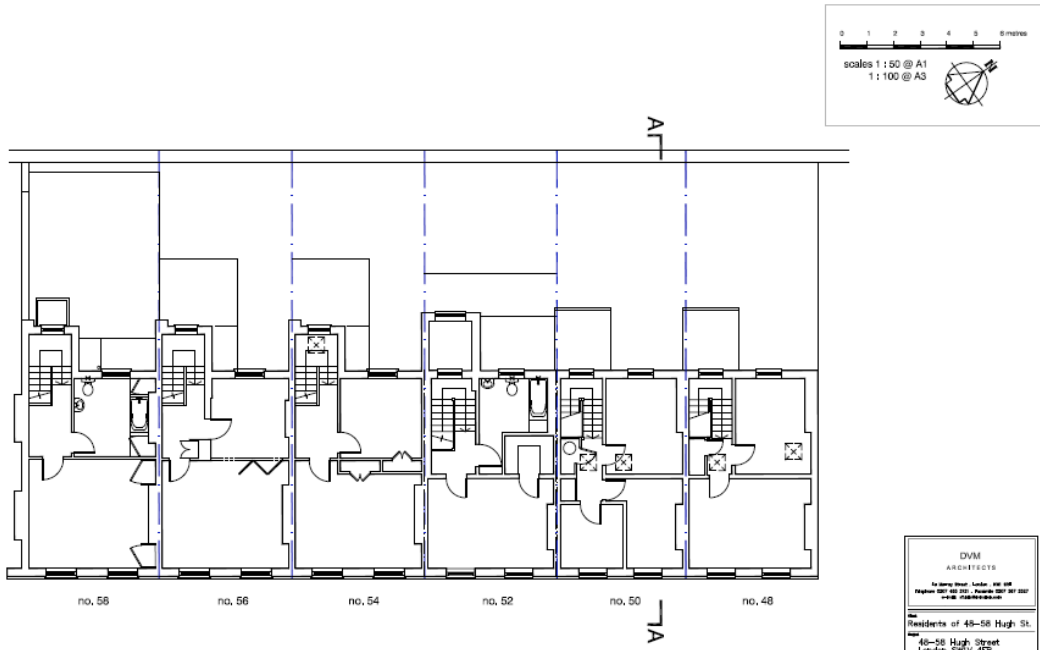
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Residents of 46-58 High St.	
46-58 High Street London SW1V 4ER	
North Elevation AS EXISTING	
Date	21.03.18
Scale	1:50
Sheet	A



north elevation as proposed

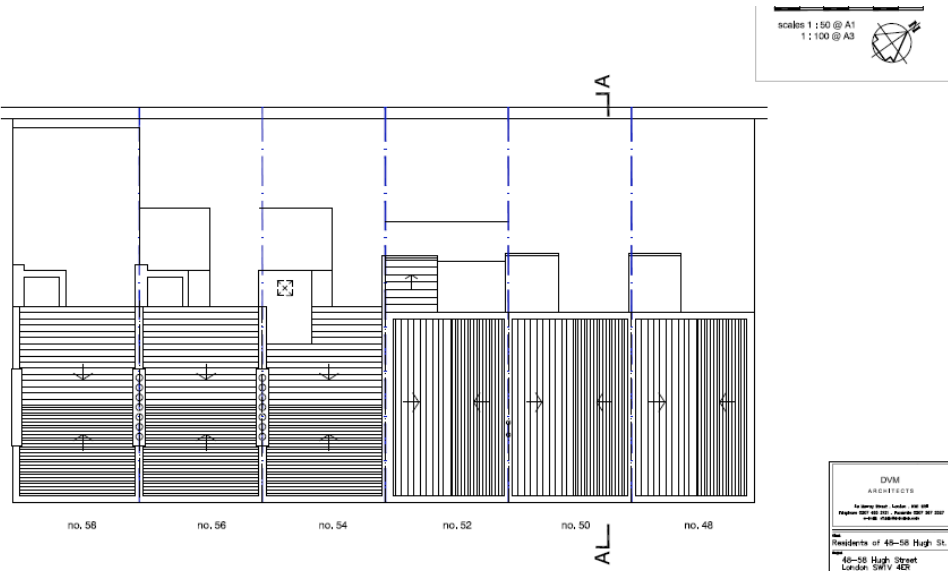
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Residents of 46-58 High St.	
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North Elevation AS PROPOSED	
Date	21.03.18
Scale	1:50
Sheet	A





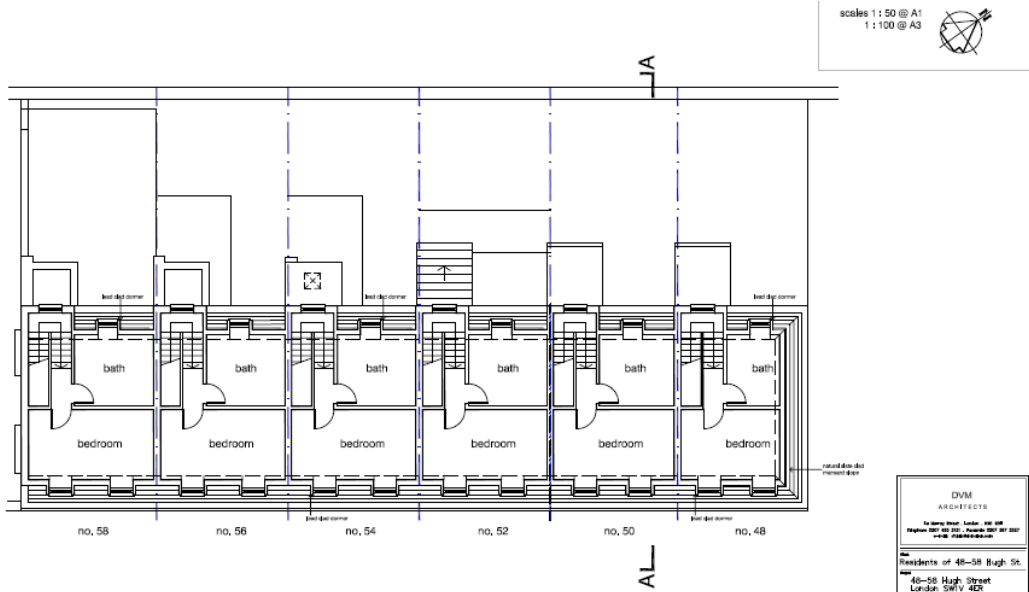
Second Floor as Existing

DVM ARCHITECTS	
100 Marsh Street, London, SE10 4DF Telephone 020 7461 2222 - Facsimile 020 7461 2227 www.dvmarchitects.com	
for Residents of 48-58 High St.	
of 48-58 High Street London SW1V 4ER	
of Second Floor AS EXISTING	
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Year	1940
Drawn by	1940-06
DRAWING NO. 1940-06-01	



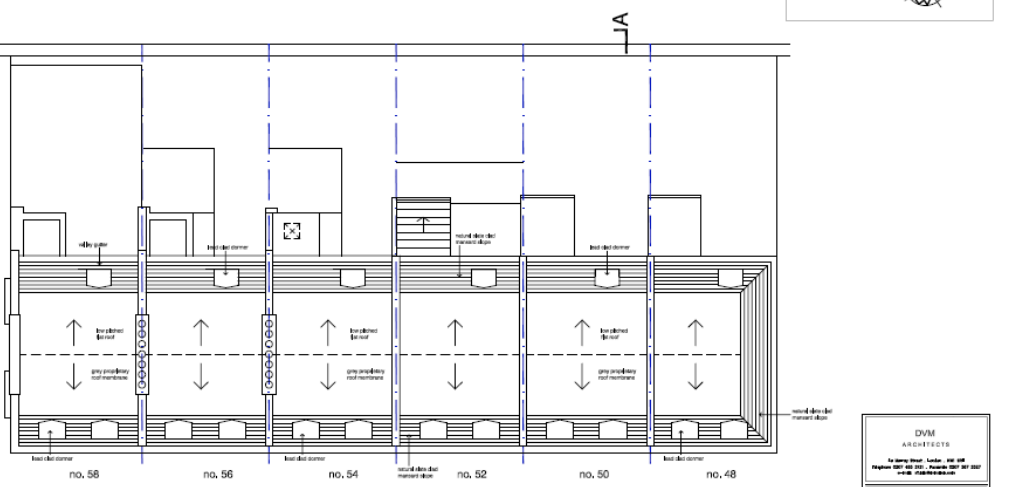
Roof Plan as Existing

DVM ARCHITECTS	
100 Marsh Street, London, SE10 4DF Telephone 020 7461 2222 - Facsimile 020 7461 2227 www.dvmarchitects.com	
for Residents of 48-58 High St.	
of 48-58 High Street London SW1V 4ER	
of Roof Plan AS EXISTING	
Scale	1:50
Date	21.03.18
Year	1940
Drawn by	1940-07
DRAWING NO. 1940-07-01	



third floor as proposed

DVM ARCHITECTS	
<small>100 Marsh Street, London, SW14 3DF Telephone 020 7473 2000, Facsimile 020 7473 2001 www.dvmarchitects.com</small>	
Residents of 48-58 High St.	
48-58 High Street London SW14 4ER	
Third Floor (MANSARD) AS PROPOSED	
Scale:	Sheet:
1:50	12.04.18
1940-18	A



roof plan as proposed

DVM ARCHITECTS	
<small>100 Marsh Street, London, SW14 3DF Telephone 020 7473 2000, Facsimile 020 7473 2001 www.dvmarchitects.com</small>	
Residents of 48-58 High St.	
48-58 High Street London SW14 4ER	
Roof Plan AS PROPOSED	
Scale:	Sheet:
1:50	21.03.18
1940-18	A

Address: 48 - 58 Hugh Street, London, SW1V 4ER,

Proposal: Erection of mansard roof extensions on Nos 48-58 Hugh Street to create additional residential accommodation in connection with each property.

Reference: 18/03060/FULL

Plan Nos: 1940-01, 1940-02, 1940-03, 1940-04, 1940-05, 1940-06, 1940-07 Rev. A, 1940-08, 1940-09, 1940-10 Rev. A, 1940-11 Rev. A, 1940-12, 1940-14, 1940-15, 1940-16, 1940-17, 1940-18 Rev. A, 1940-19 Rev. A, 1940-20 Rev. A, 1940-21 Rev. A, 1940-22 Rev. A, 1940-23 Rev. A, 1940-24 Rev. A, Design and Access Statement, Planning and Heritage Statement dated April 2018 (Ref: 12752) and Statement of Community Involvement dated April 2018 (Ref: 12752).

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s)

- Reason:
- 1 Because of their design, height, location and loss of the original roofscape, the proposed mansard extensions would be visually intrusive and harm the appearance and architectural unity of this group of buildings and would fail to maintain or improve (preserve or enhance) the character and appearance of the Pimlico Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 6 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. It would also fail to comply with the guidance set out in the Pimlico Conservation Area Audit (April 2006).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	11 Gloucester Place Mews, London, W1U 8BA		
Proposal	Erection of a two storey rear extension together with excavation of a new basement for use in association with the existing residential unit and associated internal alterations.		
Agent	Reading + West Architects		
On behalf of	Mr Andrew Polydor		
Registered Number	18/03277/FULL and 18/03278/LBC	Date amended/ completed	25 April 2018
Date Application Received	23 April 2018		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

1. Grant conditional planning permission;
2. Grant conditional listed building consent
3. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter.

2. SUMMARY

11 Gloucester Place Mews comprises two flats, one at lower ground and ground floor levels and the other at first and second floor levels. The property fronts on to Montagu Square to the west (4 Montagu Square) and Gloucester Place Mews to the east. Planning permission is sought for the demolition of the existing garage at rear lower ground floor level to allow an extension at lower ground and ground floor levels and the excavation of a new basement area, all to provide residential accommodation for use in association with the lower residential unit.

The key issues are:

- The impact of the proposed basement excavation on the amenity of nearby sensitive occupiers.
- The impact of the extension at ground and lower ground floor levels on the amenity of neighbouring residential occupiers.

Subject to conditions, the proposal is considered acceptable on highways, design, amenity and land use grounds and compliant with the relevant City Plan and Unitary Development Plan (UDP) policies.

It is therefore recommended that conditional planning permission and listed building consent are granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



CONSULTATIONS

MARYLEBONE ASSOCIATION

Objection on the following grounds:

The rendered finish of the new elevation to Gloucester Place Mews is considered detrimental to the character of the mews and conservation area. There is a large loss in the outdoor amenity space resulting from the development.

CLEANSING

No objection subject to conditions.

HIGHWAYS

Objection to the loss of the garage car parking space and the lack of cycle parking in the proposed scheme.

THAMES WATER

No objection.

BUILDING CONTROL

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 44; Total No. of replies: 6

No. of objections: 6, on some or all of the following grounds:

- Loss of daylight and sunlight to neighbouring properties resulting from the proposed extension.
- Structural implications for the building itself and neighbouring properties resulting from the proposed basement excavation.
- Detrimental impact upon neighbouring amenity during the construction process.
- Lack of consultation by the applicant with neighbouring occupiers prior to the submission of the application.
- The design of the rear wall fronting the mews is not consistent with the character of the remainder of the mews.
- Loss of 'trees'.
- The green roof does not provide the same biodiversity benefits as the potted plants in the courtyard.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

11 Gloucester Place Mews is a Grade II listed building located within the Portman Estate Conservation Area. The building is currently utilised as two flats, one at lower ground and ground floor levels and the other at first and second floor levels. The property fronts on to Montagu Square to the west (4 Montagu Square) and Gloucester Place Mews to the east. The neighbouring properties are all in residential use.

5.2 Recent Relevant History

Planning Permission and Listed Building Consent were granted on the 30th May 2002 for 'Part infill of front basement lightwell to Montagu Square frontage, erection of replacement screen to Gloucester Place Mews frontage and erection of railings around perimeter of existing roof terrace at ground floor level.'

Planning Permission and Listed Building Consent were granted on the 21st April 2009 for 'Internal alterations including demolition and rebuilding of wall at lower ground floor level. Replacement of three windows and alterations to one window opening. Replacement of three windows and alterations to one window opening and installation of new.'

6. THE PROPOSAL

Planning permission and listed building consent are sought for the demolition of the existing garage fronting the mews and the erection of a two storey extension at lower ground and ground floor levels and the excavation of a new basement level, all for use in association with the existing residential unit on the ground and lower ground floor levels. A green roof will be installed on top of the proposed extension and a lightwell will be created between the new extension and the original rear wall of the main property, which extends to new basement level to allow the creation of a small courtyard area.

7. DETAILED CONSIDERATIONS

7.1 Land Use

Residential use

The proposed extension to the dwelling will increase the residential floorspace by 98.5m² (GIA). This accords with Policy H3 of the UDP and Policy S14 of the City Plan, both of which encourage the increase in residential floorspace at suitable locations within Westminster. Given this modest increase, there is no policy requirement for the provision of affordable housing.

7.2 Townscape and Design

The building is positioned mid-terrace within a Grade II listed group. However, it is notably different to the others in the group in terms of height and design. Historic maps included in the heritage statement demonstrate that the building was badly damaged during World War II. It is evident from visual inspection, particularly from the rear of the site, that the building was substantially rebuilt during the post-war period and lacks the original Georgian detailing evident in other buildings within the group.

The Council's policies contain a presumption against full width extensions, particularly to listed buildings. DES 10 (Listed Buildings) of the Council's Unitary Development Plan states that 'rear extensions which span the full width of the building will rarely be acceptable, except in some circumstances at basement level.' The Council's Supplementary Planning Guidance titled 'Development and Demolition in Conservation Areas' also states, 'if the building has an L-shaped plan form at the rear then this should normally be retained... Generally, full width extensions are not acceptable, except in certain circumstances at basement level.'

The proposal for a two storey, full width wrap- around extension between the rear of the building and the boundary wall to Gloucester Place Mews is contrary to these policies. However, given that this building is largely a post- war reconstruction, the special interest of this part of the building appears to be limited. The interior at lower ground and ground floor level is entirely modern (other than the lower ground floor front vaults which appear to pre- date the above ground construction) and the rear elevation has also evidently been entirely rebuilt. The garage structure to the rear is also modern. The proposed extension will result in the demolition of this garage structure, which is uncontentious. A lightwell is incorporated which separates the new addition from the original building line, ensuring this remains legible. The treatment to the rear of this group of listed buildings is varied and inconsistent. Overall therefore, it is considered that the proposed two storey extension will not harm the special architectural or historic interest of the building or the group value of the terrace and will preserve the character and appearance of this part of the conservation area. Given these circumstances the proposed extension is considered acceptable in principle.

The proposed basement storey is positioned to the rear of the site beneath the courtyard and part of the footprint of the main building. The excavation in this area will not affect the historic vaults or any fabric of interest. The historic hierarchy and plan form of this post- war building makes a limited contribution to its special interest. It is therefore considered that the proposal to excavate another level beneath the rear courtyard will not adversely affect the significance of the listed building. Neighbours have objected to the potential structural implications for neighbouring listed buildings, but this matter will be dealt with by the Council's Building Control officers and is not a planning consideration.

Internally, alterations are proposed throughout, including reorganisation of the internal plan form with new door openings proposed. The proposed alterations will only affect modern fabric which is not of interest. The internal alterations are therefore considered uncontentious in listed building terms.

The local amenity society have objected to the application on the basis that the detailed design is inappropriate. Following negotiations, the drawings have been amended in response to these comments to clarify that a stock brick to match the existing adjacent properties is to be used for the rear wall. The imposition of a condition to secure a sample brick panel is recommended to ensure the materials relate sensitively to the palette of the mews. The design of the rear solid door originally proposed has also been amended to match the existing adjacent example, with a brick arch detail above. It is therefore considered that these comments have been addressed.

The local amenity society and neighbours have also objected on the grounds that the proposed rear wall lacks animation. However, the solid to void ratio of the new wall is typical of the rear boundary walls in this mews, where the size of window and door openings are small. Given that the design of the door opening has been amended to match the adjacent example, it is considered that the proposed design for the rear wall is not uncharacteristic of this part of the mews and these objections cannot be supported.

Overall, the revised scheme is considered compliant with DES 5, DES 9 and DES 10 of the Council's UDP and will preserve the special interest of the listed building and the character and appearance of this part of the conservation area subject to relevant conditions.

7.3 Residential Amenity

The party walls with the neighbouring properties to the north and south are retained at the existing height, with the proposed extension at lower ground and ground floor levels fully contained behind the party walls. The party wall with the neighbouring property to the north is higher towards the main rear walls of the properties than it is closest to the mews. The proposal includes a skylight over a stair adjacent to the lower section of the wall to ensure that the party wall does not need to be increased in height and will not impact upon the neighbouring property. It is proposed the front elevation to Gloucester Place Mews would be raised to be slightly higher than the existing wooden fence to match the existing height of the neighbouring wall on the property to the south.

Sunlight and Daylight

Objections have been received to the application concerned that the proposal will result in a loss of daylight and sunlight to the residential maisonette at lower ground and ground floor levels within the adjoining building to the north (5 Montagu Square). As detailed above the proposal does not include any increase in the height of the party wall between these properties and the extension behind the party wall will be completely hidden from the lower ground floor windows of this property. The only part of the proposal which could be partially visible is the very top of the new wall fronting the mews.

A letter has been received as part of the objection from the occupier within 5 Montagu Square from a rights to light consultant, commenting on the impact of the proposal on the levels of daylight and sunlight that the bedroom windows at lower ground floor level will receive. It would appear from the letter that the application has been misinterpreted, as it seems to imply that there is an increase in the height of the party wall between the two properties. This is not the case and as detailed above only a small section of the end wall would be visible from part of the lower ground floor. It is not considered that this would have any material impact on the levels of daylight and sunlight received by neighbouring properties and in this instance it is not considered necessary for the applicant to submit their own daylight and sunlight assessment for the proposal. Taking into account the built form of the proposal and the lack of visibility from neighbouring properties, consent could not be reasonably withheld on these grounds.

Sense of Enclosure

The proposal will not result in an increased sense of enclosure to neighbouring properties as the extensions are contained within the area behind the party walls. The proposal is therefore considered to comply with the requirements of Policies ENV12 of the UDP and S29 of the City Plan.

7.4 Transportation/Parking

The existing property includes a garage car parking space accessed off Gloucester Place Mews. No conditions have been applied to any previous planning consent relating to the property seeking the retention of the garage for the parking of motor vehicles. Therefore it would not constitute development to utilise the garage as part

of the residential accommodation. Whilst the Highways Planning Manager has objected to the proposal on the basis of the loss of the off-street car parking, the application cannot be reasonably refused on these grounds as there is no specific condition seeking its retention for this purpose.

No cycle parking has been shown on the submitted drawings, and it is considered that if the occupiers wished to have a bike they could store it within the property, as it has direct ground floor access to the mews. It is not considered necessary to condition drawings to show space for cycles within the property considering this application is for the extension of an existing dwelling and would not result in an increase in the number of residential units.

7.5 Economic Considerations

No economic considerations are applicable for a development of this size

7.6 Access

No changes are proposed to the existing access arrangements for the property.

7.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Suitable waste and recycling storage were not indicated on the submitted drawings and therefore a condition is included requiring the submission of revised drawings to show the appropriate storage facilities.

Biodiversity

An objection has been received to the application on the grounds that the proposed green roof will not provide the same biodiversity benefits as the existing vegetation. However, the existing vegetation is mainly in containers and small planting areas and could be removed by the occupier should they wish. The green roof area will be conditioned to be provided and maintained as part of any permission and therefore will provide sustained biodiversity benefits. Permission could not be reasonably withheld on these grounds. An informative had been included to advise the applicant that the green roof should be an intensive green roof as opposed to sedum due to the increased biodiversity benefits this affords.

Amenity Space

The local amenity society has objected to the 'near total' loss of the outdoor amenity space for the applicant's flat. The proposal would retain a small courtyard within the new lightwell, and also the front basement lightwell, as outdoor amenity space. There is no specific policy requirement for residential units to provide external amenity space and the proposed flat will provide satisfactory accommodation. Arguably, it is also the applicant's decision to replace the external terraces for improved internal accommodation.

Other

A number of informatives have been requested by Thames Water with regard water pressure, the installation of non-return valves and the process for relocation of any Thames Water pipes. These informatives have been included as requested.

7.8 London Plan

This application raises no strategic issues.

7.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

7.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

7.11 Other Issues

An objector has commented on the lack of prior discussion between the applicant and themselves with regard the submission of the application. Whilst discussions between the parties could have been useful in alleviating some of the concerns raised it is not a requirement and the City Council has carried out all required consultation on the application. The objection on these grounds is not therefore sustainable.

Basement

The proposal includes the excavation of a new basement level under part of the existing courtyard area and part of the main property to provide a new bedroom, utility room and store. As the proposal includes the excavation of a new basement area the application must be considered against Policy CM28.1 of the City Plan.

As the site is a residential building, Parts A, B and C of the policy are all applicable. The applicant is required to demonstrate account has been taken of the site-specific conditions, drainage and water environment of the area. A structural methodology statement and flood risk assessment are required and the applicant is required to confirm (by submitting a signed 'proforma Appendix A') that they will comply with the City Council's Code of Construction Practice. Additionally, the basement excavation must not affect the structural stability of the existing or nearby buildings, or exacerbate flood risk, and must minimise the construction impact of the development and safeguard archaeological deposits.

To accord with Part B of the policy, appropriate landscaping should be provided (where necessary). The scheme should not result in the loss of trees, must employ energy efficient measures and sustainable drainage measures, must protect the character of the building and garden, safeguard heritage assets and be protected from sewer flooding. Part C of the policy also stipulates that the basement cannot extend beneath more than 50% of the garden and, where the distance from the building to the site boundary is less than 8m, the basement can only extend 4m in that direction. It also states that basement excavation should 'not involve the excavation of more than one storey below the lowest original floor level 'unless in exceptional circumstances '. The garden area is defined within the City Plan as being 'the site area excluding the footprint of the original building'.

The submitted structural methodology statement has been reviewed by the Building Control Officer who has confirmed they are satisfied with the information provided. They also confirm that the likelihood of local flooding or adverse effects on the water tables are negligible. Objections have been received concerned about the structural implications of the proposal for the building and neighbouring properties. However,

the submitted information is considered to demonstrate that the proposed construction methodology is acceptable.

The applicants have also confirmed they will sign up to the City Council's Code of Construction Practice to mitigate construction impacts upon the highway and amenity within the vicinity. The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on construction sites throughout Westminster. A condition is proposed to secure this commitment.

The City Council has adopted a Supplementary Planning Document which relates to basement extensions in Westminster. This identifies areas of the borough as being more susceptible to surface water flooding and where applications for basements will need to be accompanied by additional information relating to rainwater infiltration. As this site is located outside of the identified 'Surface Water Risk Hotspots' no further information is required with regard this issue.

The property is located outside of the Areas of Special Archaeological Priority as designated by Historic England and the impact of the basement upon the heritage asset is addressed above in section 7.2 above and has been considered acceptable.

The 'garden' area of the property including the area within the front basement lightwell and the courtyard area to the rear currently measures 25.3m² whilst with the basement the retained 'garden' area would be 13.2m² which is over 50% of the garden area being retained as such. The proposed basement does not extend over 4m from the rear elevation of the property and as detailed would not extend over more than 50% of the length of the garden.

Whilst objections have been received to the loss of 'trees' resulting from the development, the existing foliage on the site is within pots / containers or small planting areas and none of the vegetation could be described as actually being a tree, therefore the loss is considered compliant with the policy.

In view of the above, the proposed excavation of the new basement level in the proposal is therefore considered compliant with the relevant requirements of Policy CM28.1 of the City Plan.

Construction impact

Concerns have been raised by neighbouring occupiers with regard potential disruption and disturbance during building works. As detailed above, the applicants have agreed to sign up to the Code of Construction Practice which will be monitored by the Environmental Inspectorate. This will ensure all appropriate measures are included to deal with construction vehicle movements, dust, and cleaning of the highway. This will also ensure that no construction vehicles block access to any surrounding properties during the construction process. With these controls in place it is not considered the objections on these grounds could be supported. The standard 'building hours' condition is also recommended to safeguard residents' amenity.

(Please note: All the application drawings and other relevant documents and Background

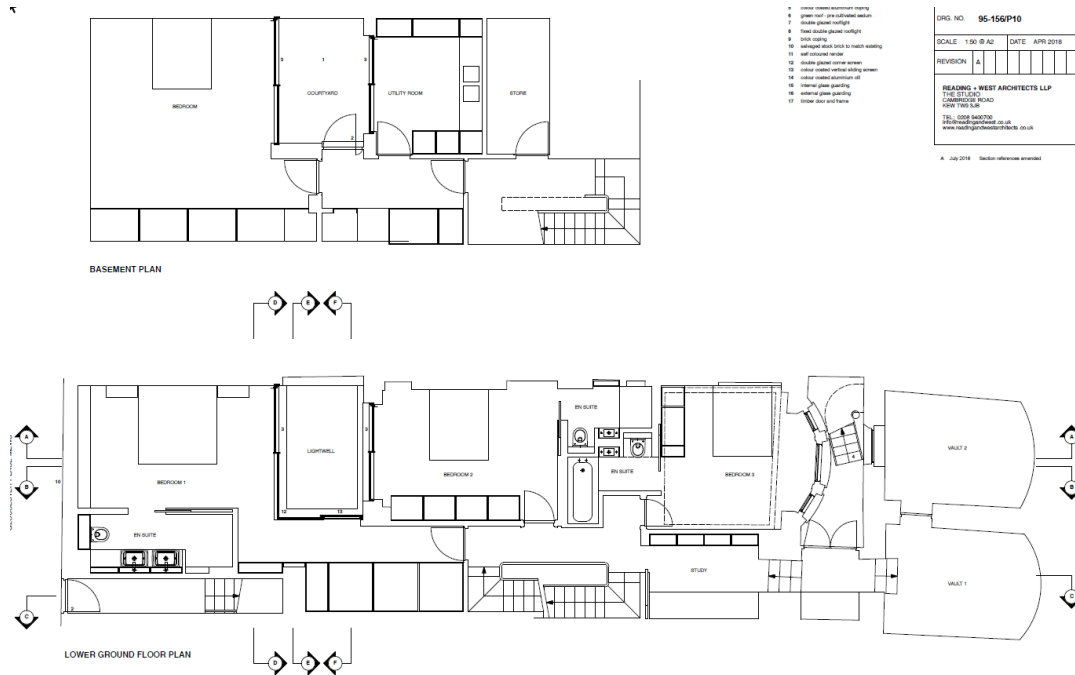
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Papers are available to view on the Council's website)

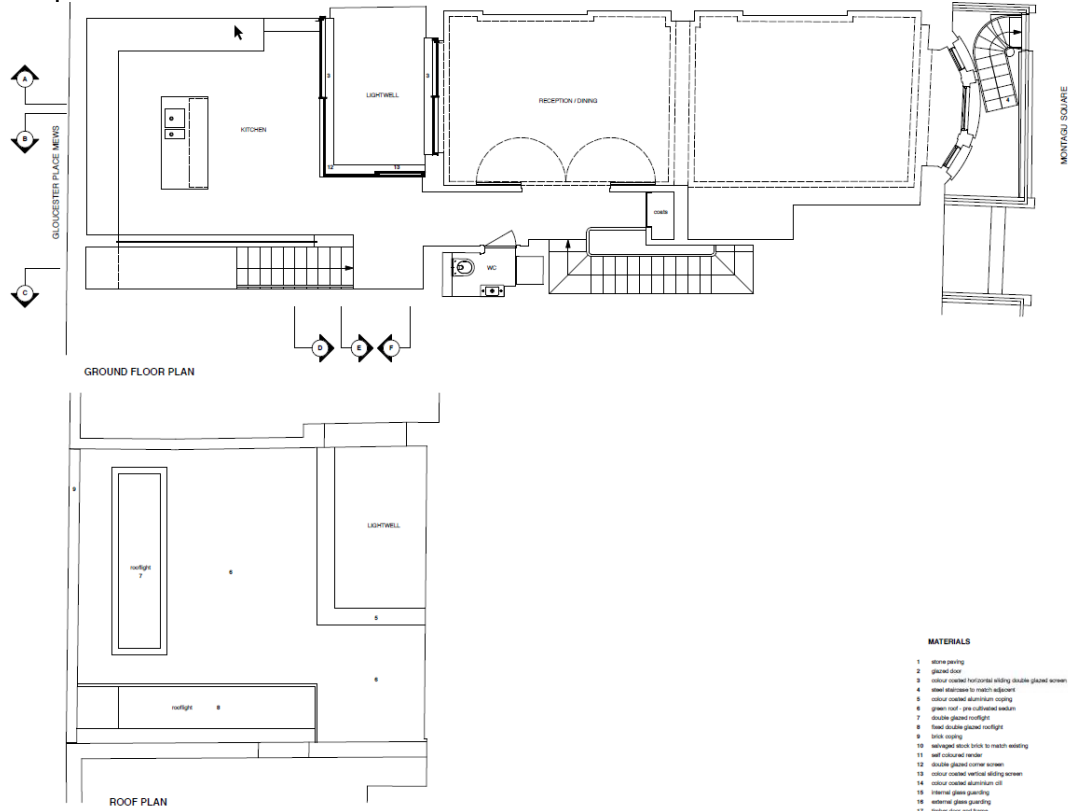
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

8. KEY DRAWINGS

Proposed Basement and Lower Ground:



Proposed Ground and Roof:

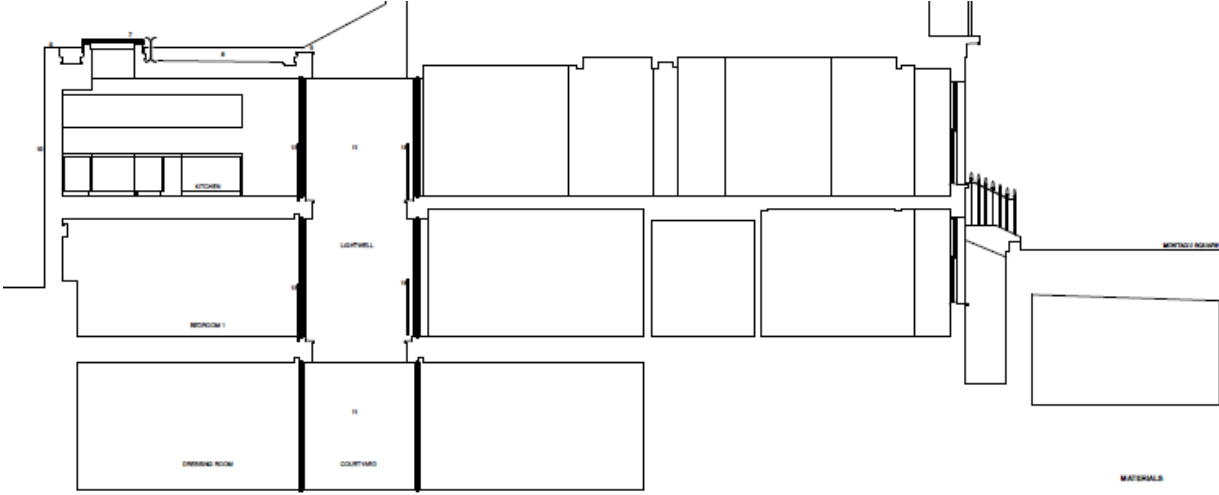


Proposed Gloucester Place Mews Elevation:



SHOWN WITH STAIRS, PLUMBING AND ELECTRICAL TO MATCH EXISTING ADJACENT TOGETHER WITH STAIRS AND PLUMBING TO MATCH EXISTING

Proposed Section:



- MATERIALS**
1. Brickwork
 2. Plaster
 3. Timber
 4. Glass
 5. Metal
 6. Concrete
 7. Stone

DRAFT DECISION LETTER

Address: 11 Gloucester Place Mews, London, W1U 8BA

Proposal: Erection of a two storey rear extension and excavation of a new basement for use in association with the existing residential unit with associated internal alterations.

Reference: 18/03277/FULL

Plan Nos: Ground Investigation and Basement Impact Assessment (March 2018), Ground and Water Desktop Study (March 2018), Structural Methodology Statement (13.04.2018), Drawings: 95-156/P11 RevA, 95-196P10 RevA, 95-156/P13, 95-156/P14 RevA, 95-156/P15 RevA, 95-156/P16 RevA, 95-156/P17 RevA, 95-156/P18 RevA, 95-156/P19.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and, not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and, not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation

Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:
1. New external windows and doors (1:20 and 1:5),
 2. Rooflights (1:20 and 1:5),

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any

demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 8 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 9 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 10 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the property. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an

application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You are advised that under Condition 9 you would need to provide details of an intensive green roof as this provides additional biodiversity benefits when compared to sedum.
- 3 You are advised there may be public sewers crossing or close to the site, you are advised to read the Thames Water guide to working near or diverting relevant pipes. This can be downloaded at the following link: www.developers.thameswater.co.uk/developing-a-large-site/planning-your-development/working-near-or-diverting-our-pipes
- 4 You are advised to install a non-return valve or other suitable device to avoid the risk of backflow should the sewage network discharge to ground level during storm conditions.
- 5 A Groundwater Risk Management Permit from Thames Water will be required for discharging into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on-line via www.thameswater.co.uk/wastewaterquality.
- 6 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres / minute at the point it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

DRAFT DECISION LETTER

- Address:** 11 Gloucester Place Mews, London, W1U 8BA
- Proposal:** Erection of a two storey rear extension and excavation of a new basement with associated internal alterations.
- Reference:** 18/03278/LBC
- Plan Nos:** Ground Investigation and Basement Impact Assessment (March 2018), Ground and Water Desktop Study (March 2018), Structural Methodology Statement (13.04.2018), Drawings: 95-156/P11 RevA, 95-196P10 RevA, 95-156/P13, 95-156/P14 RevA, 95-156/P15 RevA, 95-156/P16 RevA, 95-156/P17 RevA, 95-156/P18 RevA, 95-156/P19.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

5

The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development:

1. New external windows and doors (1:20 and 1:5),
2. Rooflights (1:20 and 1:5),

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including

paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes: , ,
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and,
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 5

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	11 Ennismore Gardens Mews, London, SW7 1HY		
Proposal	Excavation of basement under existing building footprint.		
Agent	Cranbrook Basement Design and Construction Ltd		
On behalf of	Borbrugon S.L.		
Registered Number	18/02845/FULL	Date amended/ completed	10 April 2018
Date Application Received	10 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Knightsbridge		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

<p>11 Ennismore Gardens Mews is an unlisted building of merit within the Knightsbridge Conservation Area. Permission is sought for the excavation of a single storey basement underneath the existing mews property. This application was submitted at the same as an application for external recesses to the front elevation at ground floor level to create a recessed plant feature. However this application was withdrawn by the applicant in June 2018. Following this withdrawal, the applicant has applied for a Certificate of Lawfulness (proposed) for the same works and this is currently under consideration.</p> <p>The key issue in this case is the impact of basement construction works on neighbouring residents.</p> <p>The council has received eight letter so objection that main raise construction impact concerns The proposed development is considered to be acceptable in construction impact terms subject to the imposition of a condition that requires details of evidence that any implementation of the scheme by the applicant or any other party, will be bound by the council's Code of Construction Practice. The proposal is considered acceptable in all other respects for the reasons set out in the report.</p>

LOCATION PLAN



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3. PHOTOGRAPHS



4. CONSULTATIONS

HISTORIC ENGLAND (ARCHAEOLOGY)

The proposed basement is not within an Archaeological Priority Area and is unlikely to impact upon significant archaeological remains. No further assessment or conditions are necessary.

THAMES WATER

No objection, informative recommended.

KNIGHTSBRIDGE ASSOCIATION

No objection

HIGHWAYS PLANNING MANAGER

No objection, condition recommended.

ENVIRONMENTAL HEALTH

Holding Objection relating to plant machinery at basement level (Note: the plant has now been omitted and no plant is proposed as part of this application)

BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using traditional underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 85

Total No. of replies:9

No. of objections: 8

No. in support: 1

8 letters of objection have been received on the following grounds:

Impact of Construction

-The proposals will cause disturbance to local residents in terms of noise, vibration, construction traffic and dirt/dust.

- No commitment is made to any code of responsible building, suggesting that high impact work will take place from 8-6, including Saturdays. The Council has a duty to protect residents from aggressive over-development.

-There has already been a subsidence problem relating to the wall between 10 and 11 Ennismore Gardens which has required underpinning works. The drawings and calculations do not reflect the height and weight of the party wall. The excavation works would further jeopardise the stability and integrity of 10 Ennismore Gardens.

-The construction works could reduce the value of neighbouring properties.

-There is an underground river in the vicinity of the proposed excavation area which poses a potential problem for water levels which could impact nearby buildings.

Amenity

-There is no information about what the basement will be used for and its use could lead to additional noise or vibration if used as a gym or media room.

Other

- The applicant has not engaged/consulted with residents
- Letters of information to residents have not been sent as of 26/4/2018.
- Fire hazard arising from the open plan kitchen being the only means of escape from the basement has not been addressed.

One letter has been received from a local resident who states that they are willing to support the application on the condition that:

-the works take place between 9am and 5pm on weekdays only; access from the top of the road remains open for deliveries and cars at all times; any run-off mud or dirt is immediately cleaned up; the applicant pays for the windows of neighbouring residents to be cleaned; the applicant fixes any issues that arise from the works i.e cracks or painting; workmen will not smoke on site (leaving cigarette butts) and will be mindful of young and elderly residents, taking extra care with machinery.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

11 Ennismore Gardens Mews is an unlisted building of merit within the Knightsbridge Conservation Area. The building is located at the northern end of Ennismore Gardens Mews and is a single family dwelling currently comprising two storeys.

5.2 Recent Relevant History

07/01650/FULL

Removal of water tank and installation of air conditioning unit at roof level.
Application Permitted 22 May 2007

18/02846/FULL

External recesses to front elevation at ground floor level to create recessed plant feature.
Application Withdrawn 20 June 2018

18/05232/CLOPUD

External recesses to front elevation at ground floor level to create recessed planting feature.
Application Pending

6. THE PROPOSAL

Planning permission is sought for a single storey basement under the footprint of the existing mews property, to provide additional habitable space. No external works are proposed under this application.

7. DETAILED CONSIDERATIONS

7.1 Land Use

The basement would enlarge an existing dwelling house. In land use terms the creation of a larger single family dwelling house is considered to be acceptable and in accordance with Policy H3 of the UDP and Policy S14 of the City Plan.

7.2 Townscape and Design

There will be no external manifestations relating to the basement. As such there would be no permanent impact on the external appearance of the building or on the character and appearance of the Knightsbridge Conservation Area. The proposals would therefore be compliant with Policies S25 and S28 of the City Plan, and with DES 1, DES 5 and DES 9 of the UDP.

7.3 Residential Amenity (Daylight, sunlight, sense of enclosure)

The scheme will have no material impact on residential amenity as all works will be below ground level.

A concern has been raised by one of the objectors that no information has been provided about what the basement will be used for and that certain uses could lead to additional noise and vibration. The scheme is for a basement extension to a residential property as such the basement can only be used for residential purposes. Given this, it is not considered that the proposal will have any significant effect on residential amenity through noise and disturbance.

The proposals are considered to be in compliance with policies S29 of the City Plan and ENV13 of the UDP.

7.4 Transportation/Parking

The enlargement of the dwelling would not have a material impact on traffic generation or on-street parking pressure in the area.

7.5 Economic Considerations

No economic considerations are applicable for a development of this size

7.6 Access

Access arrangements will remain unchanged

7.7 Other UDP/Westminster Policy Considerations

There are none.

7.8 London Plan

This application raises no strategic issues.

7.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

7.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

The development is not CIL liable, less than 100 square meters of floorspace would be created.

7.11 Environmental Impact Assessment

The application is of insufficient scale to trigger the requirement for an Environmental Impact Assessment.

7.12 Other Issues

Basement

The proposals are considered to be in accordance with the Council's basement policy, CM28.1 of the City Plan, as set out below.

Part A. 1-4

These parts of the policy relate to ground conditions, structural methodology, the Code of Construction Practice, structural stability and flood risk. Objections have been received from neighbouring residents on the grounds that the proposals could be harmful to neighbouring buildings in terms of structural stability, rising water levels and subsidence. It is noted that one of the objectors considers that the drawings and calculations provided do not reflect the height and weight of the party wall.

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advise that the structural methodology proposed is appropriate for the ground conditions that are likely to be on this site. Accordingly, it is considered that as far is reasonable and practicable at this stage, the applicant has satisfactorily investigated the site and surmised the likely existing ground conditions and provided a suitable structural methodology report in light of it.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

Part A. 5

Objections have also been received from neighbouring residents on the grounds that the proposals will cause disturbance in terms of noise, vibration, construction traffic and dirt/dust.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process.

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours.

Additionally, a condition is recommended to ensure that any building work which can be heard at the boundary of the site is only carried out between 08.00 and 18.00 Monday to Friday, between 08.00 and 13.00 on Saturday and not at all on Sundays, bank holidays and public holidays. Piling, excavation and demolition work will only be carried out between 08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays, bank holidays and public holidays.

Part A. 6

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

Part B. 1 and 2

The proposal does not involve the loss of trees within the rear garden, nor are there nearby trees of concern.

Part B. 3

No details about how the basement will be ventilated have been provided at this stage. Any plant machinery will need to be applied for separately under a further application.

Part B. 4 and 7

The flood risk assessment states that as a precautionary mitigation measure the owner of the property would subscribe to the Environment Agency's Flood Warning service and ensure that this service is made available to all occupants of the building. An informative has been attached, advising that a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.

Part B. 5 and 6

The proposals have no external manifestations and would not negatively impact on the conservation area (see Section 8.2 of this report).

Part C. 1 and 2

The basement would not extend under garden land

Part C. 3

A single basement is proposed which is considered acceptable and in accordance with this part of the policy.

Part D

The basement does not extend under the highway, therefore this part of the policy does not apply in this case.

Overall, the proposed basement is considered to comply with City Plan Policy CM28.1.

Fire Hazard

Objectors have raised concern that the proposals could create a fire hazard. Whilst noted, this is a matter to be considered under the building regulations.

Public Consultation

In accordance with our Statement of Community Involvement (adopted January 2007) the City Council has sent 85 letters notifying local residents about the application. The application has also been advertised in the local newspaper and a site notice displayed.

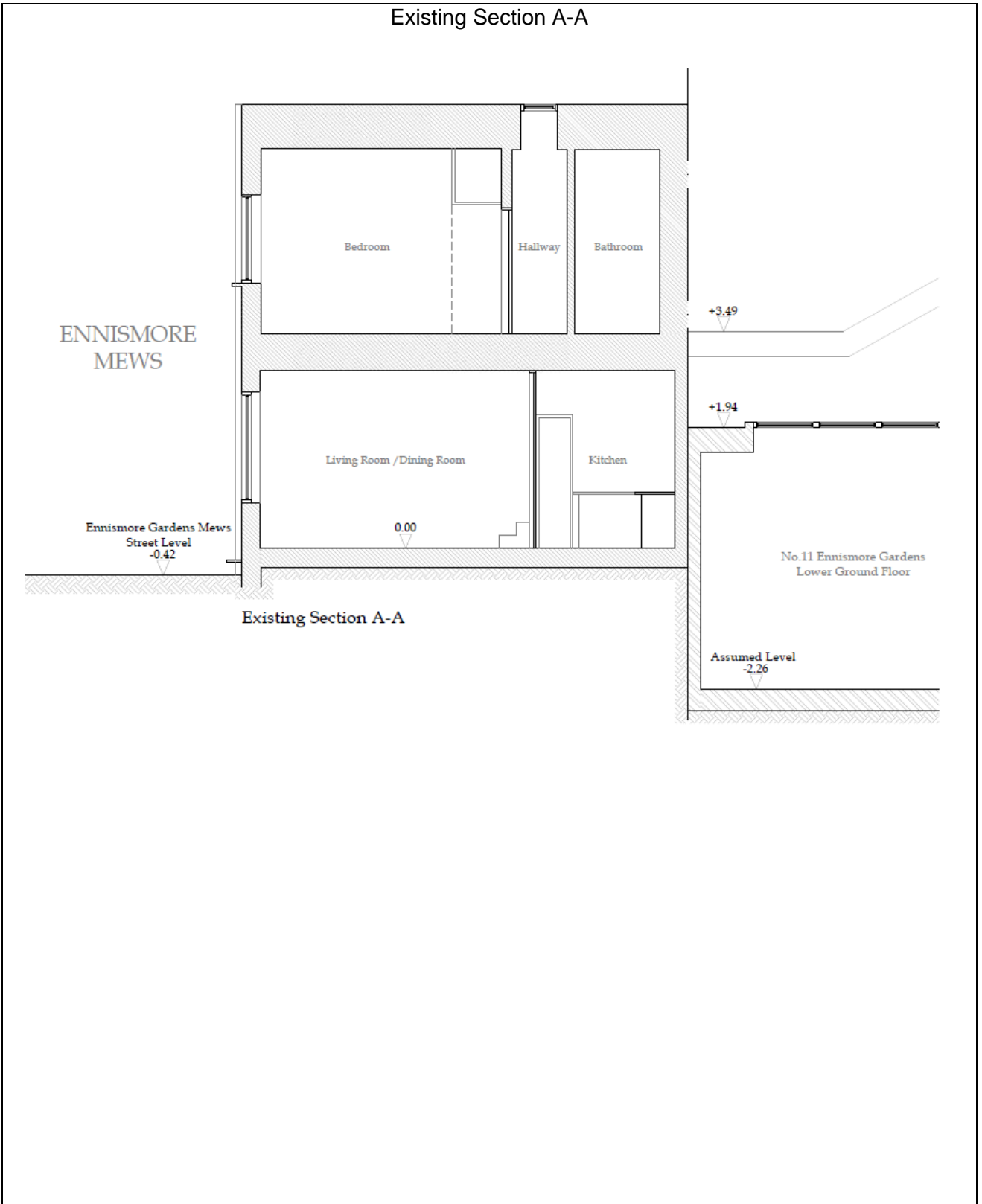
Property Values

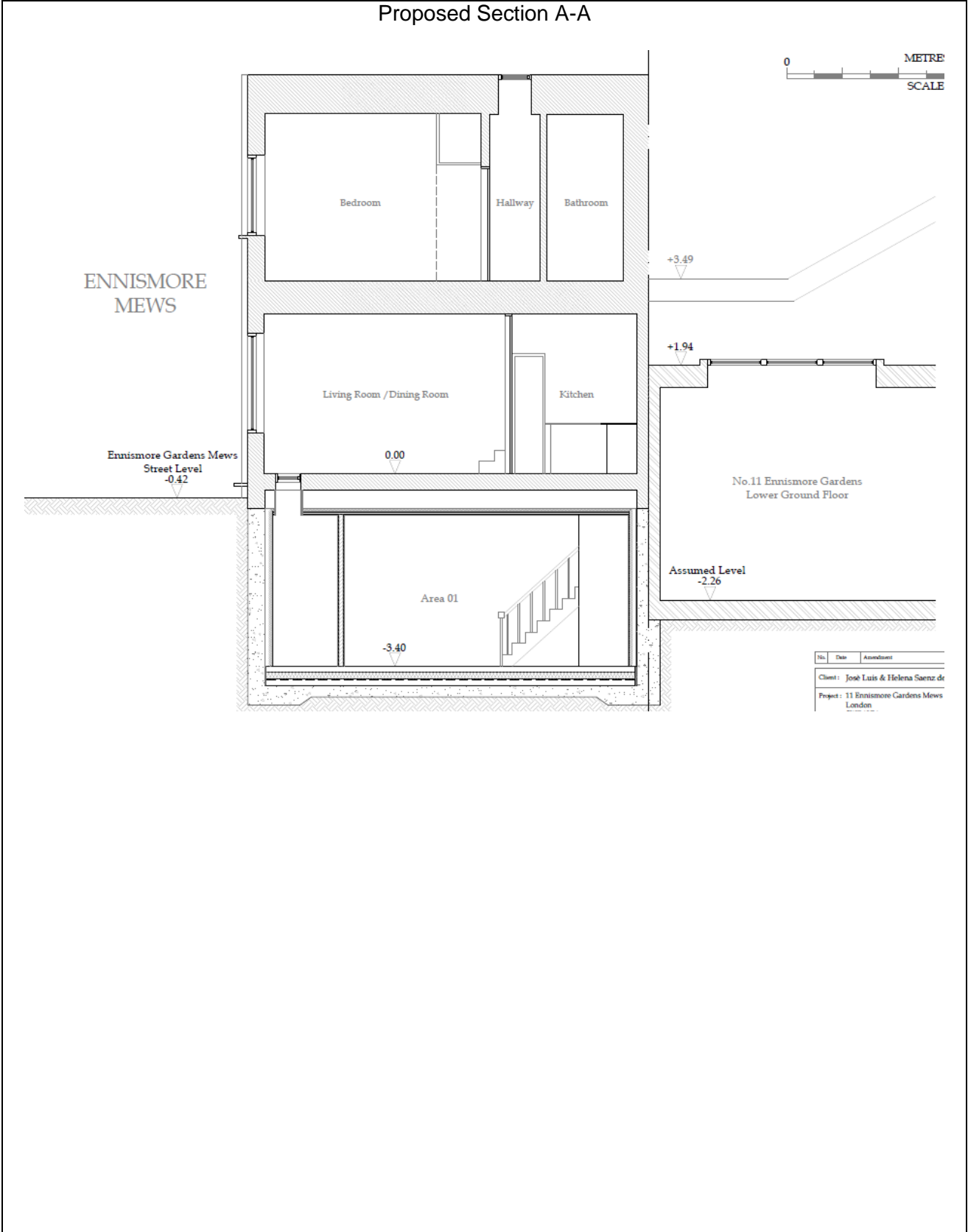
Loss of property values is not a material planning consideration.

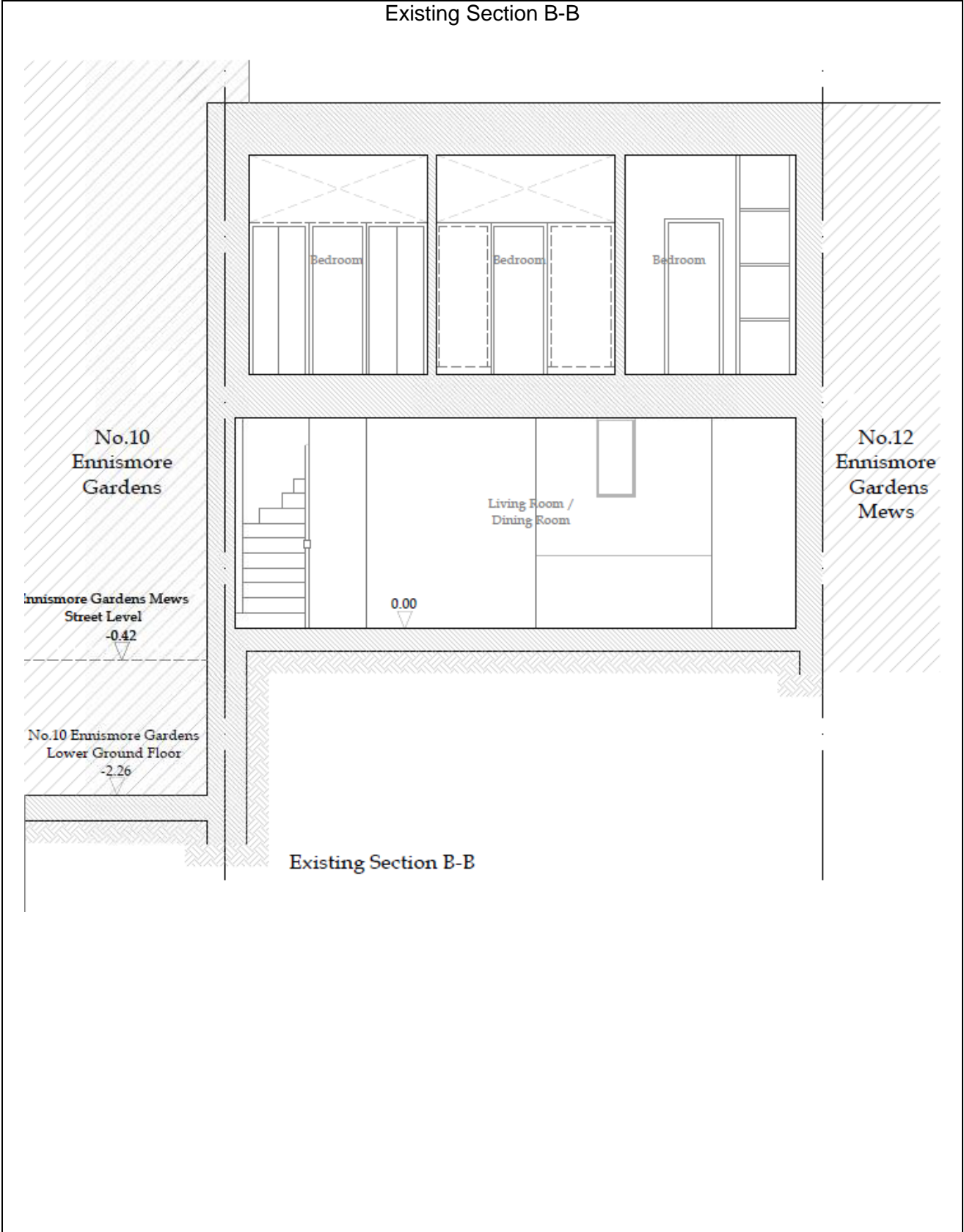
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

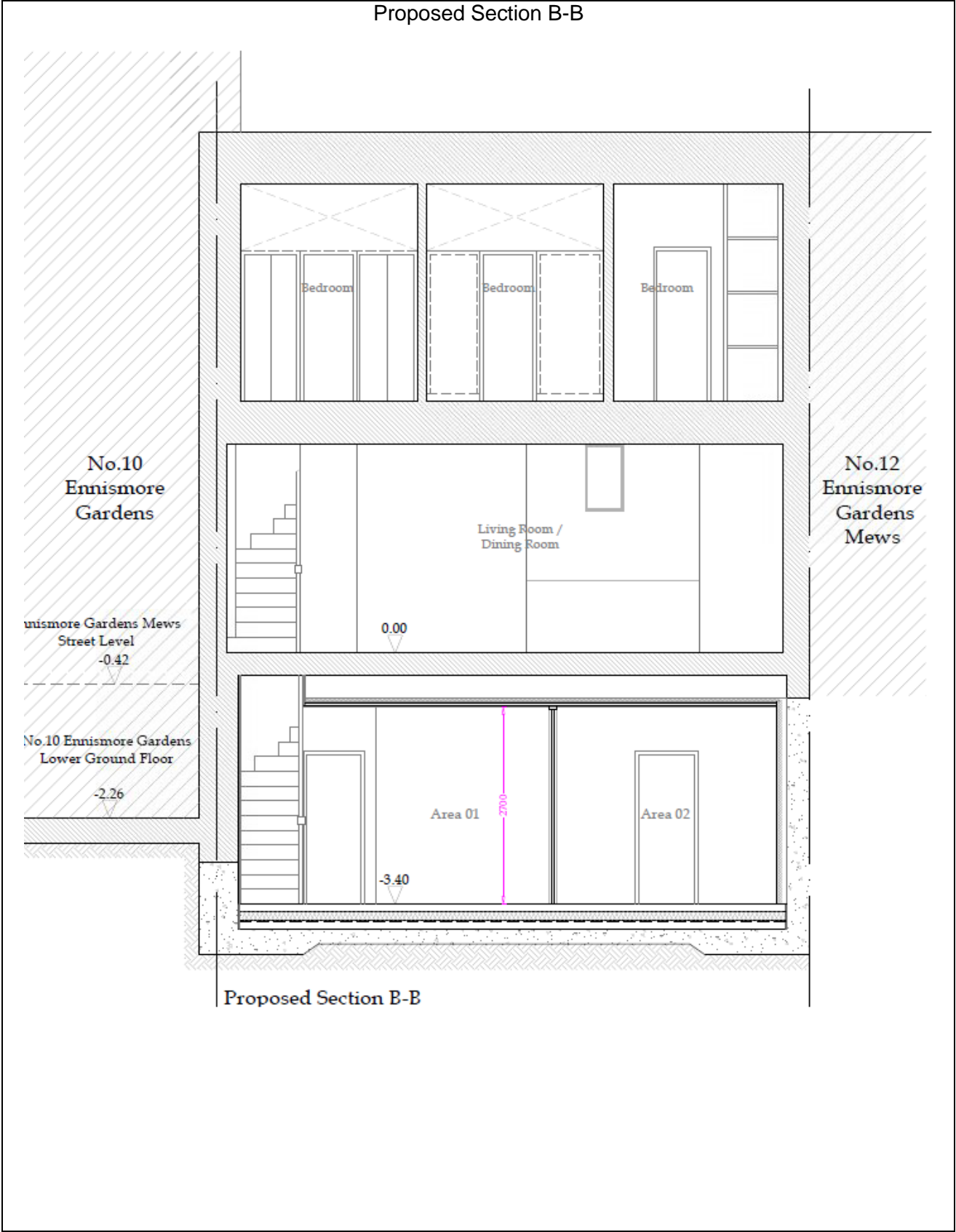
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

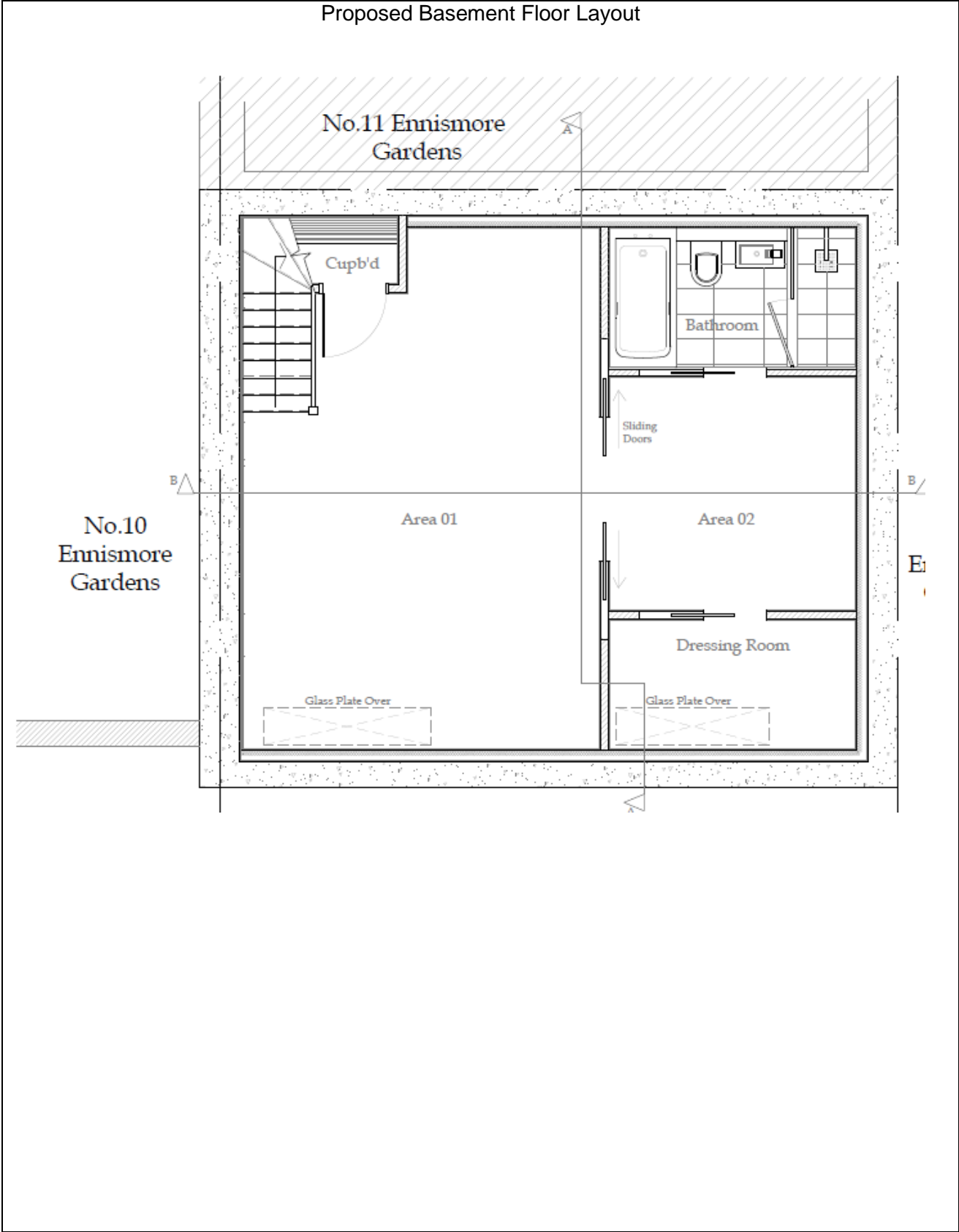
8. KEY DRAWINGS











DRAFT DECISION LETTER

Address: 11 Ennismore Gardens Mews, London, SW7 1HY

Proposal: Excavation of basement under existing building footprint.

Reference: 18/02845/FULL

Plan Nos: 2299-500; 2299-501; 2299-103; 2299-200 Rev. A; 2299-201; 2299-202; 2299-203.

For information: Geotechnical Survey Report dated March 2018; Structural Design Philosophy Report dated 9 April 2018; Planning and Heritage Statement dated 15 March 2018; Flood Risk Assessment Report dated March 2018; Design and Access Statement dated 4 April 2018; Cover Letter dated 4 April 2018; Construction Management Plan dated 27 March 2018; Appendix A, Checklist B dated 5 April 2018; 2299-SK01 Rev. A; 2299-SK02 Rev. A..

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.You must carry out piling, excavation and demolition work only:
 - o between 08.00 and 18.00 Monday to Friday; and
 - o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the

Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.. Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP
Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 6 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. You are urged to give this your early attention

- 7 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect you to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquires should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.go.uk. Application forms should be completed online via www.thameswater.co.uk/wastewaterquality.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Church Street	
Subject of Report	Alexander House , 85 Frampton Street, London, NW8 8NQ		
Proposal	Erection of a roof extension at 5th floor level to create a three bedroom flat (Class C3).		
Agent	Willingale Associates		
On behalf of	Kenlyn Ltd		
Registered Number	18/03459/FULL	Date amended/ completed	30 April 2018
Date Application Received	27 April 2018		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Refuse permission – design, amenity and highways.

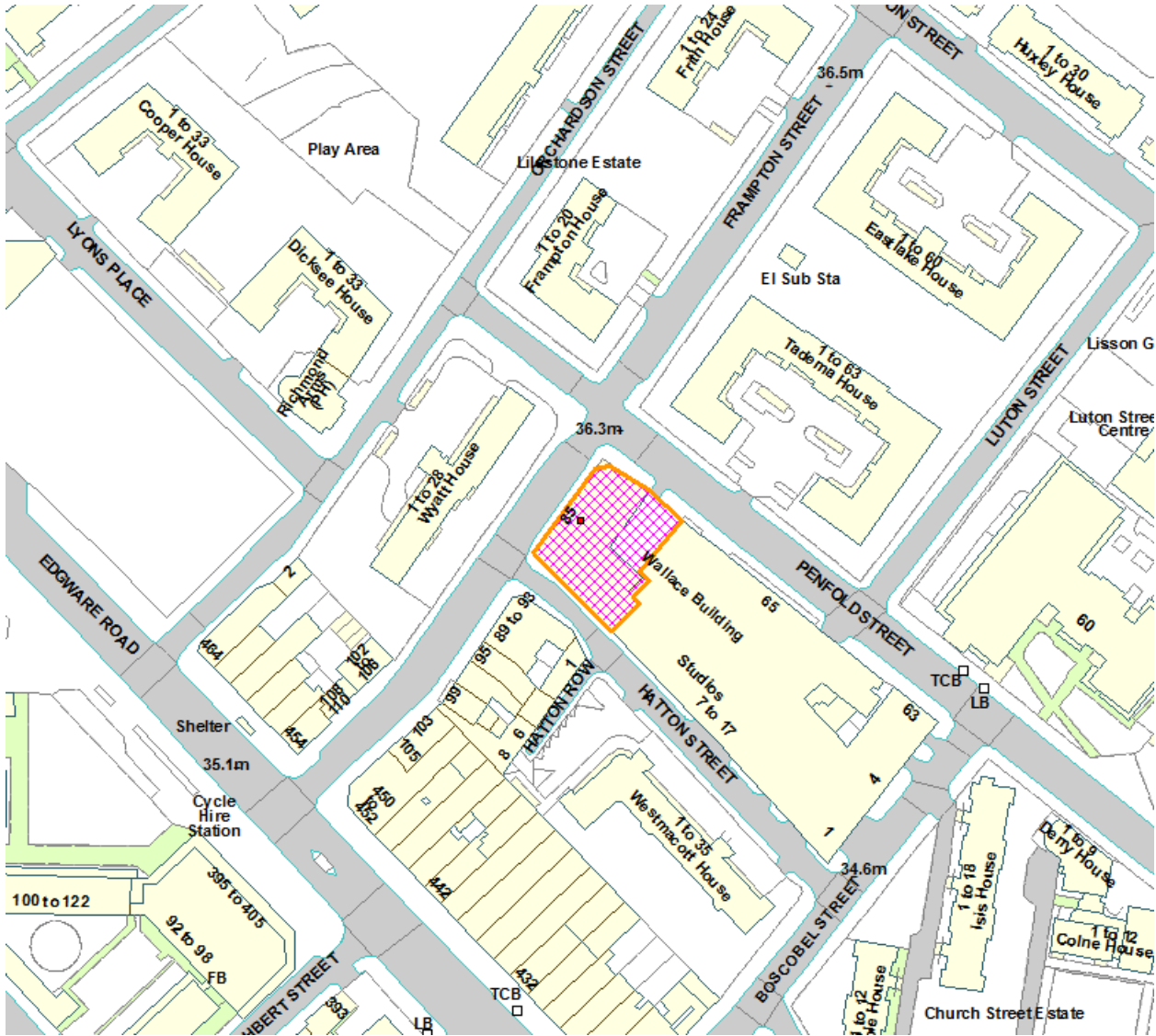
2. SUMMARY

<p>The application site comprises a four-storey building. The building, known as Alexander House, is not listed and is not located within a conservation area. The site is located within the North Westminster Economic Development Area (NWEDA). The building is currently in use as residential flats (Use Class C3).</p> <p>Planning permission is sought for the erection of a roof extension at fifth floor level to create a 3 bedroom flat.</p> <p>The St Marylebone Society has also raised objection to the design of the proposals.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> • The impact of the proposed development on the character and appearance of this part of the City. • The impact of the proposal on the amenity of neighbouring residents. • The impact on the surrounding highways network. <p>For the detailed reasons set out in this report, the design of the extension is considered unacceptable and insufficient on-site parking is proposed. The applicant has also failed to demonstrate that the</p>

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6

proposal would not result in unacceptable loss of light or noise nuisance for the occupiers of neighbouring properties. Accordingly, the proposed development is contrary to policies in the Unitary Development Plan adopted in January 2017 and Westminster's City Plan adopted in November 2016. The application is therefore recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Frampton Street Elevation



Penfold Street Elevation

5. CONSULTATIONS

THE ST MARYLEBONE SOCIETY:

Objection; design not in keeping with the rest of the building.

HIGHWAYS:

Objection; lack of car parking.

CLEANSING:

Objection; lack of waste storage.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 38

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a four storey building. The building, known as Alexander House, is not listed and is not located within a conservation area. The site is located within the North Westminster Economic Development Area (NWEDA).

The site is not in a conservation area but the area has a distinctive varied townscape owing to the wide variety of architectural styles and the buildings are in a mixture of residential and commercial uses. However, Alexander House and the group of industrial buildings making up this block (Hatton Street, Frampton Street, Penfold Street and Boscobel Street) are of historic interest and were built in the 1920 to 1938, the buildings were occupied by the Palmer Tyre Company and produced aircraft components during World War II.

6.2 Recent Relevant History

Planning permission was granted on 26th March 2013 (RN: 12/04042/FULL) for: Alterations to facades of existing building, erection of extensions to rear at ground, first and second floor levels, removal of existing roof storey at third floor level and replacement with sheer storey and erection of new recessed roof storey at fourth floor level. Use as Class B1 office at ground, first and second floor levels and 9 flats (4 x 1 bed, 3 x 2 bed and 2 x 3 bed) at third and fourth floor levels. Provision of six car parking spaces accessed from Penfold Street.

A further permission was granted on 9th December 2014 (RN: 14/09381/FULL) for alterations to facades of existing building, erection of extensions to rear at ground, first and second floors, removal of existing roof storey at third floor level and replacement

with sheer storey and erection of new recessed roof storey at fourth floor level. Use as Class B1 office at ground, first and second floor levels and 9 residential flats (Class C3) at third and fourth floor levels. Provision of six car parking spaces accessed from Penfold Street.

More recently, planning permission was refused on 20 March 2018 (RN: 17/09459/FULL) for the following reasons:

1. Because of its location, height, scale and detailed design the roof extension to create a new fifth floor level with terraces would harm the appearance of this building and this part of the City. This would not meet S25, S28 of Westminster's City Plan (November 2016) and DES 1 and DES 6 of our Unitary Development Plan that we adopted in January 2007.
2. Your plans do not include enough on-site car parking to serve the new housing according to the standards set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. This means that the new development would increase the pressure for on-street car parking and this would affect people already living in the area.

7. THE PROPOSAL

Planning permission is sought for the erection of an additional floor at fifth floor level to create 1 x 3 bedroom flat. The flat would have a floor area of 99 sqm GIA. The additional floor would have a mansard form and include northern and southern terraces. A plant area would also be proposed adjacent to the extension.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policies H3 and H5 of Westminster's Unitary Development Plan and S14 of the City Plan encourage the provision of additional residential floorspace, particularly where it has three or more bedrooms. Accordingly, the proposed flat is acceptable in principle.

Policy 3.5 of the London Plan, Policy S29 of Westminster's City Plan and Policy ENV 13 of Westminster's Unitary Development Plan seek to ensure a satisfactory standard of accommodation for future occupiers. Minimum space standards are also set out in the Department for Communities and Local Governments (DCLG) Technical Housing Standards - Nationally Described Space Standards. These standards indicate that the minimum area required for a 3b6p flat over a single storey is 95sqm. The proposed flat measures 99 sqm and therefore is considered to provide an acceptable standard of accommodation for future occupiers.

8.2 Townscape and Design

The application site is a modern building, originally dating from the 1980s, but recently re-clad and altered and extended. It forms one end of a street block with facades facing

onto Frampton Street, Penfold Street and Hatton Street. It is arranged over five floors (ground plus four upper storeys) although there is some stepping of the massing to Penfold Street and Hatton Street, where the building abuts the buildings to the south (The Wallis Building, 65 Penfold Street & Hatton Street Studios, 7-17 Hatton Street). Alexander House has a clearly expressed composition with a ground floor base faced in a blue engineering brick; the middle floors presenting a regular fenestration pattern set within a rendered façade; and the top floor is in the form of a roof storey set back from the main facades and clad in a standing seam zinc covering.

Alexander House is unlisted and is not located within a conservation area. Nevertheless, it is located in an area of distinctive and varied townscape with a range of architectural styles and the buildings are in a mixture of residential and commercial uses.

The group of industrial buildings making up the remainder of the street block (Hatton Street, Frampton Street, Penfold Street and Boscobel Street) are of historic interest and were built in the period 1920 to 1938. The buildings were occupied by the Palmer Tyre Company and produced aircraft components during World War II. These buildings were refurbished by Sir Terry Farrell and are now known as the Spitfire Works.

The immediate area has a transitional nature being located between the lower scale vibrant commercial Edgware Road and the restrained but more substantial neo-Georgian residential blocks of the Lilestone Estate and further north the Fisherton Estate which is a conservation area.

This proposal follows on from an earlier refused scheme for a roof extension (17/09459/FULL) and is to add an extension at roof level. The extension is centred over the northern part of the building set back from the Penfold Street façade by approximately 6m and from the Hatton Street façade by approximately 6.3m - 8.2m (set back varies due to splayed alignment of the façade). To the Frampton Street side and to the rear the extension springs from the top of the existing fourth floor roof and pitches back to a flat top. The pitched elements are clad in a standing seam zinc to match the existing roof storey and the pitch to Frampton Street features three rooflights. A lift overrun and screened plant area will project above the flat roof of the extension and a second screened plant enclosure is located to the rear of the extension. The sides of the extension will be vertical walls containing glazed doors providing access to roof terraces on either side of the extension. The terrace to the east will be the larger (approximately 20 sqm) and the doors onto it will occupy most of the side to the extension. The terrace will be enclosed by a glass balustrade. The smaller terrace to the west (approximately 9.8 sqm) is accessed by a pair of doors and is enclosed by a glass perimeter, with the sides being formed in 1.8m high opalescent glass.

The relevant design policies for consideration of the proposal are DES 1 and DES 6 of the adopted UDP 2007; and S25 and S28 of the adopted City Plan 2016.

As a recently refurbished and enlarged building, Alexander House is a clearly defined architectural composition, with a strong ground floor base, a clear and cohesive middle and a recessive roof storey at fourth floor level, providing a pleasingly proportioned building. At the end of a street block it is prominently located within the local townscape and there are clear views of it along Frampton Street and Penfold Street. In the case of Frampton Street the road and building line kinks meaning that the building is particularly

prominent in views looking east along Frampton Street. With regard to the relationship with no. 65 Penfold Street (Wallis Building) the existing recessed 4th floor level of Alexander House is higher. However, the arrangement of massing, with a recessed gap between the flank north elevation of the Wallis Building, ensures that this difference in height is well composed with no adverse impact on townscape views along Penfold Street. Nor does the existing massing of Alexander House compromise the attractive overhanging roof canopy with distinctive flame capital brackets of the Wallis Building.

Policy DES 6 A of the UDP states that permission may be refused for roof level alterations and extensions to existing buildings in circumstances where:

- any additional floors, installations or enclosures would adversely affect either the architectural character or unity of a building or group of buildings.
- buildings are completed compositions or include mansard or other existing forms of roof extension.
- the existing building's form or profile makes a contribution to the local skyline or was originally design to be seen in silhouette.
- the extension would be visually intrusive or unsightly when seen in longer public or private views from ground or upper levels.
- unusual or historically significant or distinctive roof forms, coverings, construction or features would be lost by such extensions.

It is considered that the proposed extension would fail to accord with this policy. As already indicated the existing building is a well resolved architectural composition with a clearly defined and expressed roof storey and as built could be regarded as a completed composition. However, the proposed extension introduces a discordant addition which fails to complement the existing proportions and design and instead compromises the composition. The new extension would be clearly visible in street views where its incongruity would be readily appreciated. The extension's combination of pitched roofs and vertical ends creates a very jarring roof form which does not relate well to the architecture of the building. The pitched elements uncomfortably clash with the horizontal and orthogonal emphasis of the existing façades and fourth floor roof, while the vertical 'gable' ends appear entirely detached from the architectural composition of the facades.

The proposal would have a harmful impact on the character and appearance of the building and considered unacceptable in principle.

The increase in height of Alexander House would erode the gradual stepped relationship between the adjacent buildings facing Frampton Street (Tadema House, no.89 to 99 Frampton Street) and the introduction of a two storey roof component is at odds with the predominantly single storey roofs of surrounding buildings. As such, the proposal fails to complement the local character of the area and compromises the townscape cohesion and the architectural composition with neighbouring buildings. This is contrary to DES 1 of the adopted UDP 2007; S28 of the adopted City Plan 2016.

With regard to the NPPF it is considered that several of the neighbouring buildings can be regarded as non-designated heritage assets, notably the Wallis Building and the red brick blocks of the Lilestone Estate. These are all well-composed buildings and Alexander House is very much part of the townscape context within which these

buildings are appreciated. The proposal would have a harmful impact on the significance of these non-designated heritage assets, disrupting the architectural integrity and proportions of Alexander House and eroding its resolved relationship with neighbouring buildings and in surrounding townscape views. Therefore, the proposal is contrary to DES 1 and DES 6 of the adopted UDP 2007; and S25 and S28 of the adopted City Plan 2016 and relevant advice set out in the NPPF, notably chapters 7 and 12.

8.3 Residential Amenity

The relevant policies are ENV 13 of Westminster's Unitary Development Plan and S29 of Westminster's City Plan. In terms of residential amenity, the impact of the proposed additional storey and terraces on the neighbouring occupiers must be considered.

With regards to an increased sense of enclosure, the proposals result in additional high level bulk, therefore will have an impact in terms of increased sense of enclosure to neighbouring windows. However, the building is largely separated from neighbouring properties by surrounding streets and the additional storey will be set back from all four elevations and therefore the proposal is not considered to result in such an increased enclosure to the windows of the neighbouring properties as to justify refusal.

The proposal includes the provision of two terraces to serve the 3 bedroom flat with one located on the Hatton Street end and one on the Penfold Street elevation, the terraces are significantly set back from the building line. There are existing terraces located on the lower levels and therefore it is not considered that the proposals will significantly worsen from the existing situation.

The applicant has not provided a daylight/sunlight report to support the current application which was provided previously in relation to the refused scheme. The plans also now indicate that there will be a plant room within the extension. However, an acoustic report has not been provided to demonstrate that this will be compliant with the City Council's relevant noise conditions.

It is therefore considered that insufficient information has been provided to demonstrate that the proposals would not result in an unacceptable level light loss or noise nuisance to the neighbouring occupiers contrary to Policies ENV 6, ENV 7 and ENV 13 of the UDP and Policies S29 and S32 of the City Plan. It is recommended that the application is refused on these grounds

8.4 Transportation/Parking

The existing building includes 9 residential units with 6 off-street parking spaces (in a stacker with associated turntable) the current application seeks to add an additional residential unit bringing the total to 10. The impacts of high parking demand are well known and include:

1. drivers being forced to circulate around an area seeking empty spaces which causes unnecessary congestion, environmental pollution and noise disturbance;
2. drivers being tempted to park in dangerous or inconvenient locations, such as close to junctions or on pedestrian crossing points;

3. drivers having no choice but to park some distance from their homes causing inconvenience and more serious problems for elderly or disabled residents.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The addition of even one additional residential unit can have an adverse impact on parking levels in the area and this could lead to a reduction in road safety and operation.

The evidence of the Council's most recent night time parking survey in 2015 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 93%. However, TRANS23 includes all legal parking spaces (eg Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level decreases to 70%.

The evidence of the Council's most recent daytime parking survey in 2015 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 86%. TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

Whilst it is acknowledged that the site has a high level of public transport accessibility, households with 1 or more car in the Church Street Ward is 35% (2011 Census figures). Whilst this is lower than the borough average, the above data indicates that residents in the area do own cars, along with the fact that during the night & day Residential Bays have a high level of occupancy. It is therefore considered that the development is not consistent with TRANS23 and will add to existing on-street parking stress overall.

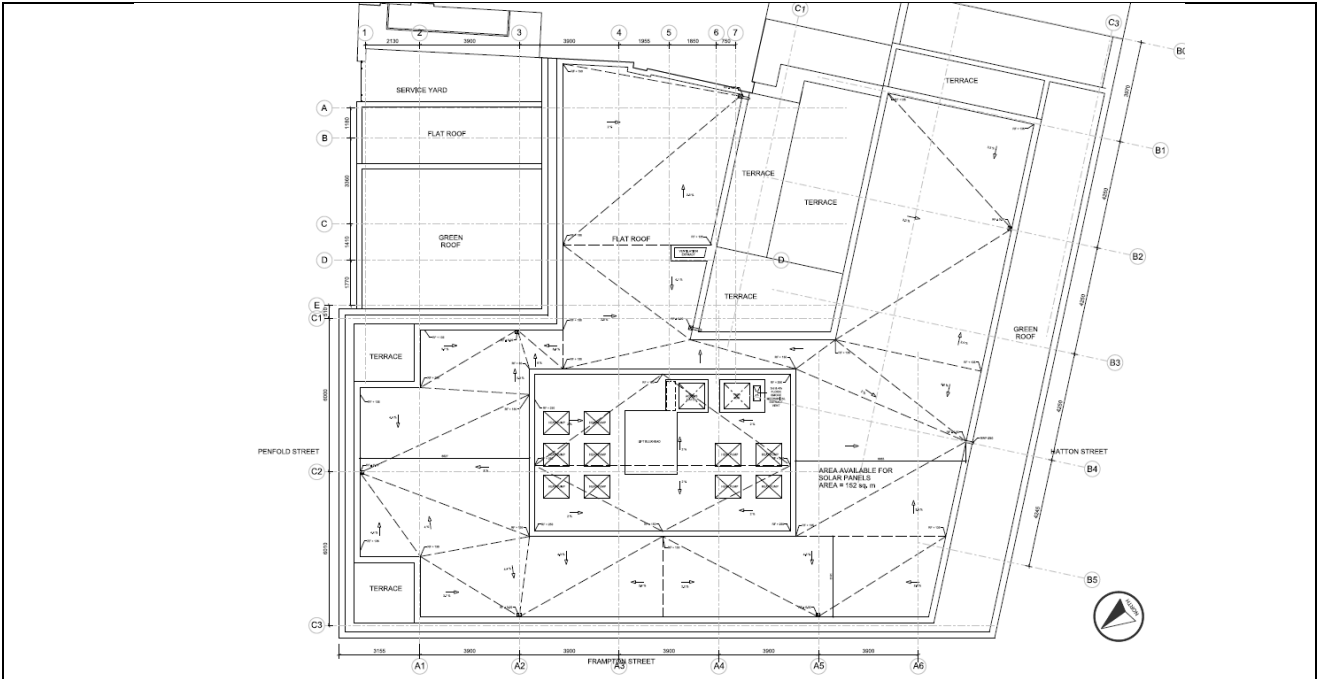
Both the Highways and Cleansing Managers have noted the lack of the provision of waste storage for the additional flat. Furthermore, objection has been received from adjoining occupiers on the basis that the additional flat will result in increased pressure on the existing waste and recycling storage facilities. If the proposal had been considered acceptable in all other respects details of waste and recycling storage would have been secured via a condition.

The Highways Manager noted the absence of cycle parking. However, it is considered in this instance that the flat would be of sufficient size to store cycles internally.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

9. KEY DRAWINGS



Willingale Associates
ARCHITECTS & DEVELOPMENT CONSULTANTS

CONTACT DETAILS:
56 Clerkenwell Road, London, EC1M 5PX
www.willingale.com
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T: 020-7490-5506

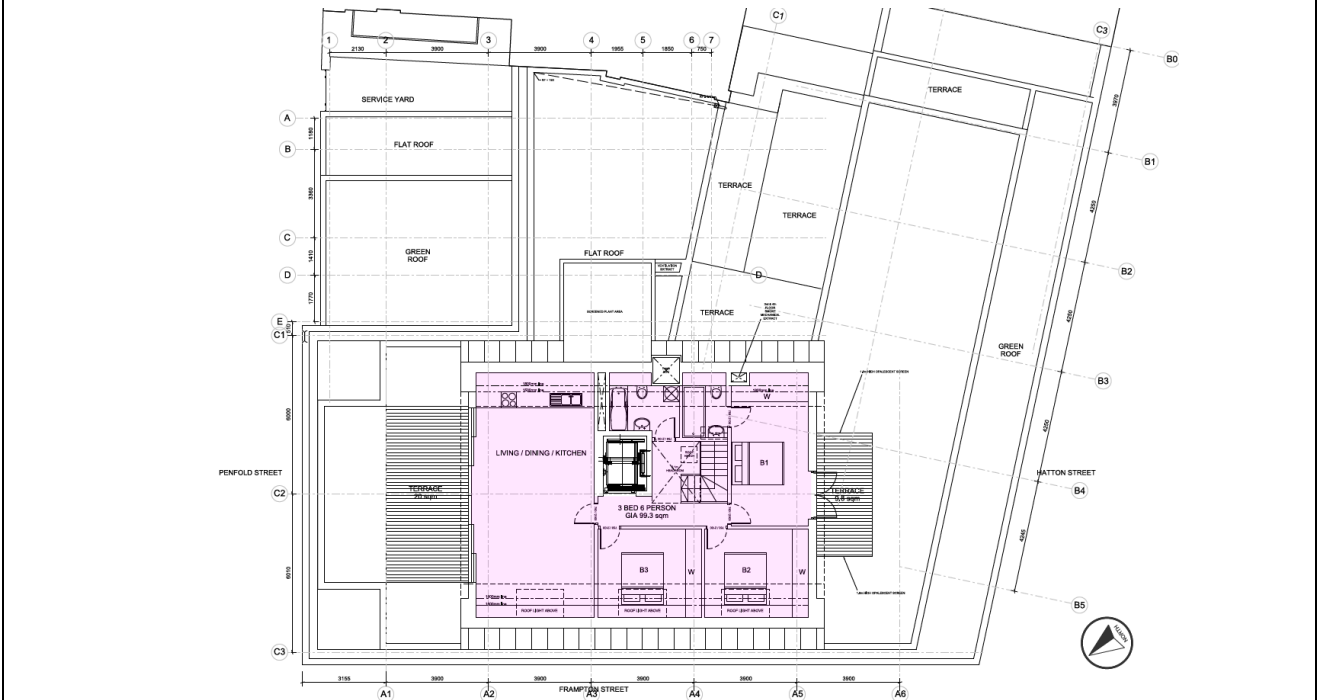
PROJECT:
85 FRAMPトン STREET
LONDON, NW8
NW8_95FS Consent No. 14/09381/FULL

TITLE:
EXISTING ROOF PLAN

DRAWING NUMBER:
NW8_95FS_PL_RP

DATE: 21/01/2016 SCALE: 1:150@A3
REV: F

Existing Roof Plan



Willingale Associates
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PROJECT:
85 FRAMPトン STREET
LONDON, NW8
NW8_95FS Consent No. 14/09381/FULL

TITLE:
PROPOSED FIFTH FLOOR PLAN

DRAWING NUMBER:
NW8_95FS_PL_RL_K

DATE: 19/04/2016 SCALE: 1:100@A3

Proposed Floor Plan



Willingale Associates
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56 Chesham Road, London, EC1M 9PX
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T: 0207 466 0008

PROJECT:
85 FRAMPTON STREET
LONDON, NW1

TITLE:
EXISTING FRAMPTON STREET ELEVATION

DRAWING NUMBER:
NW1_BSF_P10_U

DATE:
03/06/2018

SCALE:
1:100 (A3)

Existing Frampton Street Elevation



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PROJECT:
85 FRAMPTON STREET
LONDON, NW1

TITLE:
PROPOSED FRAMPTON STREET ELEVATION

DRAWING NUMBER:
NW1_BSF_P10_U

DATE:
17/04/2018

SCALE:
1:100 (A3)

Proposed Frampton Street Elevation



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PROJECT:
85 FRAMPTON STREET
LONDON, NW8

TITLE:
EXISTING PENFOLD STREET ELEVATION

DRAWING NUMBER:
NW8_BSF8_PP_12_01

DATE: 01/02/16 SCALE: 1:100@A3

Existing Penfold Street Elevation



Willingale Associates
ARCHITECTS & DEVELOPMENT CONSULTANTS

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PROJECT:
85 FRAMPTON STREET
LONDON, NW8

TITLE:
PROPOSED PENFOLD STREET ELEVATION

DRAWING NUMBER:
NW8_BSF8_PP12_U

DATE: 17/04/2016 SCALE: 1:100@A3

Proposed Penfold Street Elevation

Item No.
6

DRAFT DECISION LETTER

Address: Alexander House , 85 Frampton Street, London, NW8 8NQ

Proposal: Erection of a roof extension at 5th floor level to create a self-contained 3 bedroom flat (Class C3).

Reference: 18/03459/FULL

Plan Nos: NW8_85FS_PR_01 rev H; NW8_85FS_PR_02 rev G; NW8_85FS_PR_03 rev F; NW8_85FS_PR_04 rev G; NW8_85FS_PR_05 rev G; NW8_85FS_PR_06 rev F; NW8_85FS_PP_07_Q; NW8_85FS_PP_01_Q; NW8_85FS_PP_10_R; NW8_85FS_PP_11_R; NW8_85FS_PP_12_R; NW8_85FS_PP_13_R; NW8_85FS_PP_14_R; NW8_85FS_PP_15_R; NW8_85FS_PP_16_R; NW8_85FS_PP_17_R; NW8_85FS_PP_18_R; NW8_85FS_PP_01_J; NW8_85FS_PP_02_G; NW8_85FS_PP_03_F; NW8_85FS_PP_04_G; NW8_85FS_PP_05_K; NW8_85FS_PP_06_K; NW8_85FS_PP_07_K; NW8_85FS_PP10_U; NW8_85FS_PP11_U; NW8_85FS_PP12_U; NW8_85FS_PP13_U; NW8_85FS_PP16_U; NW8_85FS_PP15_U; NW8_85FS_PP14_U; NW8_85FS_PP17_U; NW8_85FS_PP20_U. Design and Access Statement; Transport Statement.

Case Officer: Victoria Coelho

Direct Tel. No. 020 7641 6204

Recommended Condition(s) and Reason(s)

- Reason:
- 1 Because of its location, height, form and detailed design the roof extension to create a new 5th floor level with terraces would harm the appearance of this building and this part of the City. This would not meet S25, S28 of Westminster's City Plan (November 2016) and DES 1 and DES 6 of our Unitary Development Plan that we adopted in January 2007.
- Reason:
- 2 Insufficient information has been submitted to demonstrate that the proposed development would not result in an unacceptable loss of light or noise nuisance to neighbouring properties. This would not meet S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.
- Reason:
- 3 Your plans do not include enough on-site car parking to serve the new housing according to the standards set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. This means that the new development would increase the pressure for on-street car parking and this would affect people already living in the area.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 7

Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	61A Marlborough Place, London, NW8 0PT		
Proposal	Excavation of single storey basement below existing dwellinghouse with lightwells to front and rear and associated internal and external alterations. Listed Building Consent is sought for Underpinning to No. 59 and No. 61 Marlborough Place in connection with the creation of a basement at the adjoining dwelling at 61A Marlborough Place.		
Agent	GL Studio		
On behalf of	Mr Andrew Terry		
Registered Number	17/10775/FULL & 17/10776/LBC	Date amended/ completed	12 December 2017
Date Application Received	5 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	St. John's Wood		

1. RECOMMENDATION

<ol style="list-style-type: none"> Grant conditional permission and listed building consent. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

<p>The application site comprises a two storey mid-terrace building located on the south side of Marlborough Place, which is used as a single dwellinghouse. The property is not listed, but it is situated between two Grade II listed buildings at No.59 Marlborough Place and No.61 Marlborough Place. The site is also located within the St. John's Wood Conservation Area.</p> <p>The application seeks permission for excavation of a single storey basement extension below the existing dwellinghouse with front and rear lightwells and associated internal and external alterations. An associated listed building consent application is also submitted in relation to the underpinning to</p>
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the two adjoining listed properties at No. 59 and No. 61 Marlborough Place in connection with the creation of this basement at 61A Marlborough Place.

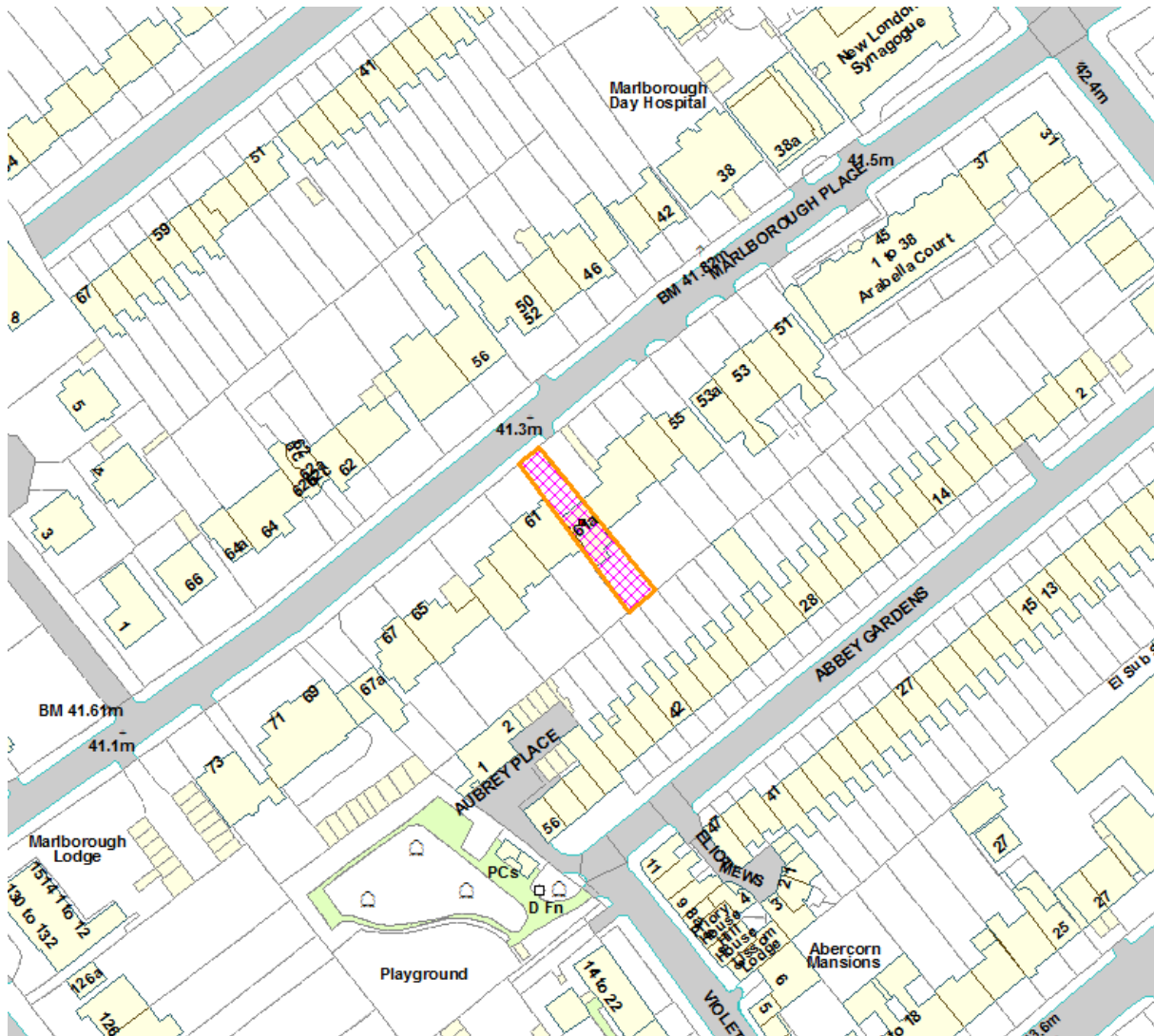
Objections have been raised by three neighbouring residents on the tree impact, amenity, construction impact and structural impact grounds.

The key issues in this case are:

- Whether the proposals are acceptable in design and conservation terms
- Whether the impact of the proposal on the amenity of the neighbouring residents is acceptable
- The impact of the proposals on trees
- Compliance with Westminster's basement policy

Despite the objections raised, and subject to appropriate conditions as set out in the draft decision letter appended to this report, the proposed development is considered to comply with the relevant design, conservation, amenity, basement and transportation policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP). As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from street (top) and closer front elevation (bottom).



Rear elevation (top) and view of trees located in front garden of neighbouring property at No.61 Marlborough Place (bottom).

5. CONSULTATIONS

WARD COUNCILLORS (ABBEY ROAD)

Any response to be reported verbally.

ST. JOHN'S WOOD SOCIETY

No objection, subject to the comments of neighbours.

ARBORICULTURAL MANAGER

No objections following the submission of a Tree Survey and Arboricultural Method Statement. Conditions requiring tree protection measures and landscaping recommended.

BUILDING CONTROL

No objection following the submission of further details in relation to the Construction Method Statement.

HIGHWAYS PLANNING MANAGER

No objection.

ENVIRONMENTAL HEALTH OFFICER

No objection, as long as the basement is used in conjunction with the main house as a dwellinghouse. Condition recommended to restrict hours of construction work. Informatives relating to Considerate Builders Scheme and noise reduction during construction work are also recommended. Informatives advising of the requirement for natural light and mechanical ventilation are also recommended.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 42.

Total No. of replies: 6.

No. of objections: 6, including 3 from the same addressee.

No. in support: 0.

Representations received from three respondents raising objection on some or all of the following grounds:

Amenity

- Noise and disruption for a long period of time to neighbours from construction.
- Not clear whether any mechanical ventilation or an air conditioning system will be installed, which could cause noise disturbance.

Trees Impact

- Adverse impact on the roots of the two trees in the front garden of No.61 Marlborough Place, which are the subject of Tree Preservation Orders.

Other

- This type of development has previously caused severe subsidence elsewhere in St. John's Wood.

- The downpipes of the adjoining property drains into the drive of 61A Marlborough Place as well as its own downpipes.
- During works to convert the garage of 61A into a residential unit water rose up from the underground stream below St John's Wood.
- Applicant has no regard for neighbours due to the noise and disruption the works will cause.
- The applicant has supplied deficient documentation in support of the application, in light of the standards at pages 14-15 in the 'Basement Development in Westminster' SPD (October 2014).
- A proper construction management plan was not submitted and no schedule or timetable of works or evidence of consultation with local residents has been provided.
- No detail is given for the permanent management of the horizontal and vertical loads from neighbouring properties.
- There is no adequate demonstration of sustainable design principles.
- There has been no proper geo-hydrology report submitted. None of the three borehole investigations cited are within about 500 metres of the site, and two are significantly more.
- Almost the whole of the front drive of No.61A is covered with paving, as is the frontage of No.59, a very substantial house. This presents a risk from surface storm water which cannot run-off.
- Concern about the impact this proposed excavation will have on the foundations of the adjoining listed buildings at 59 and 61 Marlborough Place

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an unlisted dwellinghouse located within the St. John's Wood Conservation Area. The building sits between two Grade II listed buildings at No. 59 Marlborough Place and No.61 Marlborough Place. The site appears to have originally been part of the property at 61 Marlborough Place, having been added in the 1950's following a planning approval dated 16 September 1959 for 'the conversion of 61 Marlborough Place into 8 self-contained flats and the erection of 2 garages with a self-contained flat over'. The building has been altered and extended since.

6.2 Recent Relevant History

16/12216/FULL

Erection of a mansard roof extension to form new second floor level.

Application Refused 2 June 2017

14/11526/FULL

Erection of replacement hardwood / steel entrance gates and rendered columns to front boundary.

Application Permitted 15 January 2015
11/03010/FULL

Partial demolition of front and rear elevations and total demolition of roof. Alterations to front elevation including new windows and new main entrance door. Laying of new hard standing and erection of new bin store within front garden. Erection of replacement two-storey three-bedroom dwellinghouse behind retained facade including first floor rear terrace and two privacy screens at rear first floor level.

Application Permitted 25 August 2011

7. THE PROPOSAL

Permission is sought for the excavation of a single storey basement, beneath the footprint of the existing building and the formation of lightwells to the front and rear elevations of the building. The lightwell to the rear would include a glazed walkway at ground floor level over the centre of the lightwell to allow access to the garden.

During the course of the application, the scale of the proposed lightwells has been reduced. A listed building consent application has also been submitted as the site adjoins two listed buildings on either side (57 and 59 Marlborough Place and 61 and 63 Marlborough Place) and the underpinning proposed would impact the special interest of these buildings.

Additional information has also been provided during the course of the application to ensure trees are protected during construction works, as well as to provide further information requested by the Building Control Officer, to ensure that the proposal complies with the City Council's basement policy.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No change of use is proposed; the proposal results in additional 102 sqm residential accommodation, which is considered acceptable in land use terms and in accordance with Policy H3 in the UDP.

8.2 Townscape and Design

In considering the scheme in design terms, the relevant policies are DES 1 and DES 5 of the UDP and CM28.1, S25 and S28 of the City Plan. Also of relevance are Westminster's Supplementary Guidance documents 'Basement Development in Westminster' and 'Development and Demolition in Conservation Areas', in addition to the Bayswater Conservation Area Audit.

Part B(5) of policy CM28.1 in the City Plan seeks to protect the character and appearance of the existing building, the garden setting and the surrounding area, ensuring external manifestations such as lightwells, skylights and means of escape are sensitively designed and discreetly located. Additionally it aims to protect heritage. The

City Council's SPG 'Basement Development in Westminster' provides advice and guidance on the siting and detailed design of the necessary manifestations.

The footprint of the basement is contained beneath the existing building, with the only external manifestations being a lightwell located adjacent to the front elevation and a lightwell located against the rear elevation of the host building. The amended rearward projection of the lightwell to the rear is of an appropriate scale so as not to detract from the landscaping and complete garden setting. Whilst of a contemporary appearance through the use of glazed walkways, this is in keeping with the architectural style of the rear elevation of the host building and therefore in this instance is considered to be appropriate. Additionally the scale of the lightwell to the front, its positioning and the provision of a grill are considered acceptable, having a limited impact on the character and appearance of the conservation area.

The proposals are considered to be in accordance with the identified design and conservation policies and will have a limited impact on the character and appearance of the conservation area.

Impact on designated heritage assets

The City Council aims to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historical interest, which it possesses, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, any alteration or extension to no. 61A Marlborough Place will have to be considered in relation to the impact on the neighbouring listed buildings. The support statement submitted with the application provides a section of how the basement will be positioned in relation to the neighbouring buildings and during the course of the application, details have been provided of the internal arrangement of the neighbouring listed buildings as well as photographs of the interior. Firstly, the proposed basement will not extend beyond the party wall line and is shown to have a little impact on the existing foundations of the listed buildings therefore, in design terms the positioning of the basement is considered to be appropriate.

Concern was raised with the applicant of the potential damage to the listed buildings during the course of the construction works. As the interior information demonstrates, the walls located against the application site contain limited features of interest and therefore any disruption to these walls will not disturb features of historic or architectural interest.

Therefore, the proposals are considered to have little or no impact on the special interest of the heritage assets and their setting.

8.3 Residential Amenity

By virtue of its location below ground, the proposed basement would not result in unacceptable loss of light, sense of enclosure or loss of privacy for the occupants of neighbouring properties. The proposal is therefore in accordance with policies ENV13 of Westminster's Unitary Development Plan (adopted January 2007) and S29 of Westminster's City Plan.

Objections have been received in relation to noise disruption during construction work. This has been discussed in section 8.7.1 of this report which deals with Basement Development.

8.4 Transportation/Parking

The proposed extensions, including basement extension would not protrude under the highway. The proposal also does not represent an increase in residential units or loss of parking and is therefore not contrary to UDP policy TRANS23. As there is no increase in the number of units, there is no requirement for cycle parking provision on site. The development is therefore acceptable in highways terms.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

The proposals would not alter the existing access to this private dwellinghouse.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Development

The amended proposals are considered to be in accordance with CM28.1 of the City Plan (November 2016) for the reasons set out as follows:

Part A. 1-4

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, which has also been submitted with the application within a structural statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advise that the structural methodology proposed is appropriate for the ground conditions found on this site.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the COCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense.

Concerns have also been raised in relation to sufficient and satisfactory information provided within the submitted Construction Method Statement, such as details of the findings of the boreholes, as cited by one of the objectors. At this stage, the submitted Construction Method Statement is provided for information to sufficient detail required for the purpose of the planning application, but is for information only. This document is

not endorsed or approved by the Council. The construction of the basement will be the subject of the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects. The applicants will be reminded of this by informative.

A flood risk assessment has been provided as part of the structural method statement and this demonstrates that flood risk would not be exacerbated in this location, which has a low flood risk and is not in an area identified as being susceptible to surface water flooding.

Part A. 5 & 6

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity. The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays, Sundays or bank holidays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process.

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable.

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

Part B. 1&2

There are protected trees close to the application site which will be required to be protected. The applicant has provided a Tree Survey and Arboricultural Impact Assessment which has been considered by the Arboricultural Officer. Following further information, the Arboricultural Officer is satisfied that trees will not be adversely affected by the proposed basement construction providing tree protection measures are in place. The Arboricultural Officer does not agree with the location shown of one of the trees located close to the front boundary of the application site within the adjacent front garden of no. 61 Marlborough Place. However, they are satisfied that this tree will still would not be adversely affected. A revised Arboricultural Method Statement and Tree Protection Plan will therefore be required by condition and the submitted documents will therefore not be approved documents but for information only.

A comment has been received stating that there are two protected trees within the front garden of the adjacent property at no. 61 Marlborough Place. The Tree Protection Plan only shows one tree. However, the second tree is located some distance away from the location of the proposed works and the Arboricultural Officer is satisfied that this would not be adversely affected.

Part B. 3

The proposals do not include any details in relation to ventilation. However, the front lightwell is to have a grill, to provide natural ventilation, and there are also two lightwells proposed to the rear elevation of the basement. An informative is recommended to advise the applicant that should they require mechanical ventilation, a separate application for planning permission will be required.

Part B. 4 & 7

The external manifestations of the basement would comprise of the lightwells and railings, as well as a grill to the front lightwell and a glazed walkway between the two lightwells at the rear. These are not considered to have a significant impact in terms of sustainable urban drainage. The basement has been set in from the boundaries within the garden to provide drainage around the subterranean structure.

Part B. 5&6

The proposals are considered to be discreet and will not negatively impact on the conservation area (see also Section 8.2 of this report).

Part C. 1

The proposal basement is mainly under the footprint of the existing house with additional extension to the front and rear to provide lightwells. It does not extend under more than 50% of the garden area. A margin of undeveloped garden land is retained around the proposed basement. This part of the policy is therefore considered to have been met.

Part C. 2

This part of the policy requires a minimum soil depth of 1.2m to provide drainage over the proposed basement. However, as the majority of the basement is subterranean with the elements that are not being to provide lightwells, this soil depth would not be required.

Part C. 3

Only a single basement is proposed which is considered acceptable and in accordance with this part of the policy.

Part D

The basement does not extend under the highway; therefore, this part of the policy does not apply in this case

8.8 London Plan

The application does not raise any strategic issues.

8.9 National Policy/ Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on officer measurements of the Gross Internal Area (GIA) of the proposed basement, measured to be 102sqm, the estimated CIL payment would be £64794.46 for Westminster's CIL (£50 per square metre; Residential Prime Area), and £7158.30 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The applicant however considers that the proposed GIA is below 100sqm, which is below the threshold for CIL liability for this type of development. However, CIL liability will be assessed again after the decision of this application is made to ensure that both officers and the applicant agree on this matter.

8.11 Environmental Impact Assessment

The proposals are of insufficient scale to require an Environmental Impact Assessment. Where relevant, environmental impact issues are addressed in other sections of this report.

8.12 Other Issues

The objections raised are largely addressed above. However, the following is also noted.

An objection has been received by a resident who says that they had not had notice served on them by the applicant. The applicant has subsequently re-confirmed the names and addresses and dates on which notice was served on all affected neighbours.

Item No.
7

It is therefore considered that this requirement to serve notice has been followed, and should the objector consider otherwise that this matter is a civil matter. The case officer has discussed the application with the neighbour concerned and the neighbour agrees that, although they maintain that they did not receive this notice, they cannot deny that they had not been aware of the application, which has been under consideration for a few months, and therefore they do not wish to pursue the matter. It should be noted that a second letter was received from this neighbour, which followed the first phone call with the case officer, but sent out before the second phone call from the case officer where it had explained that the agent had re-confirmed when notice had been carried out.

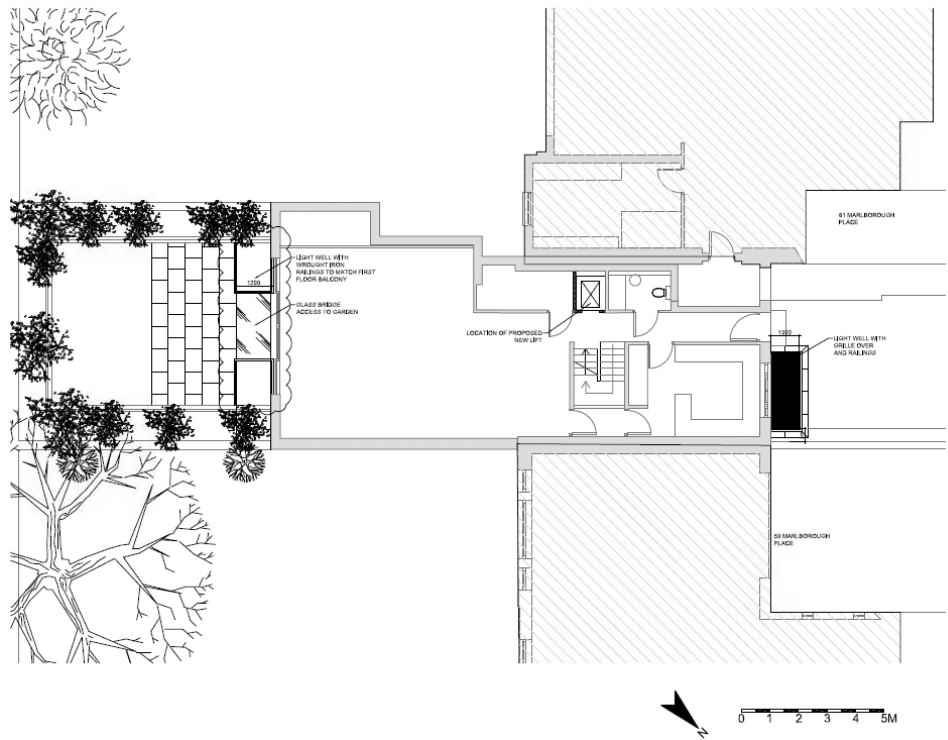
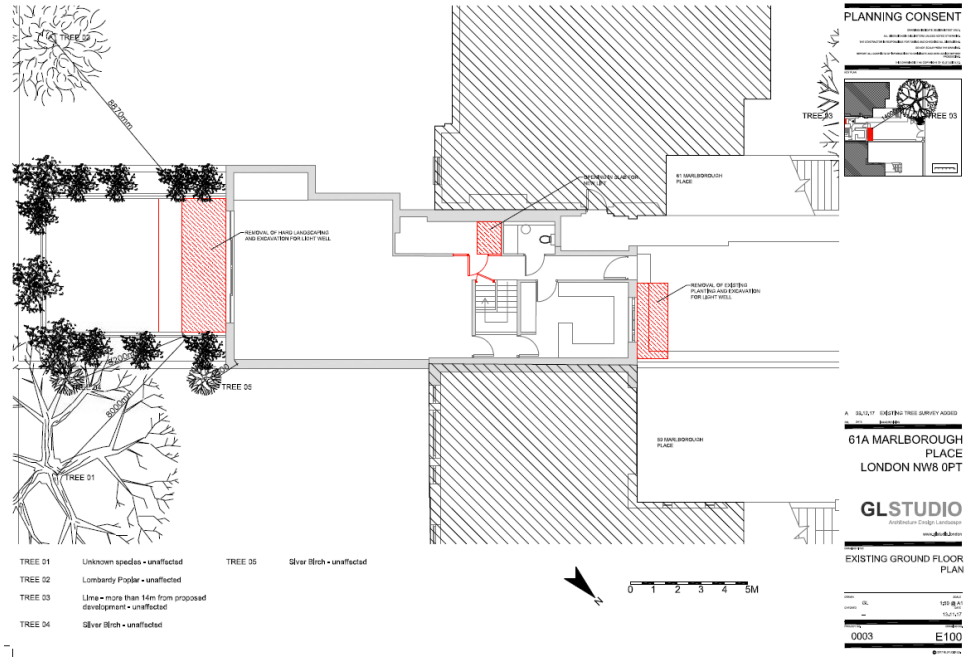
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk .
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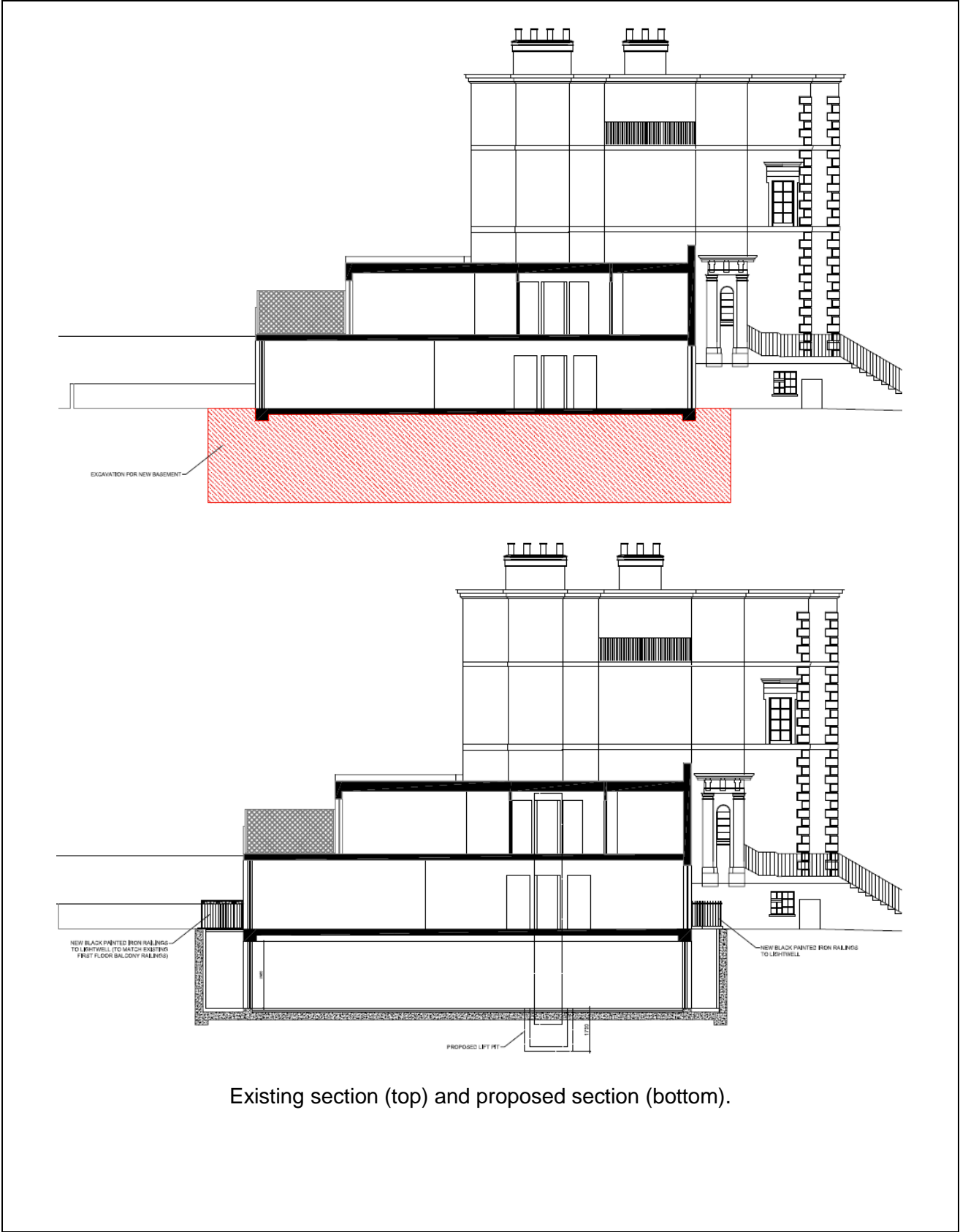
9. KEY DRAWINGS



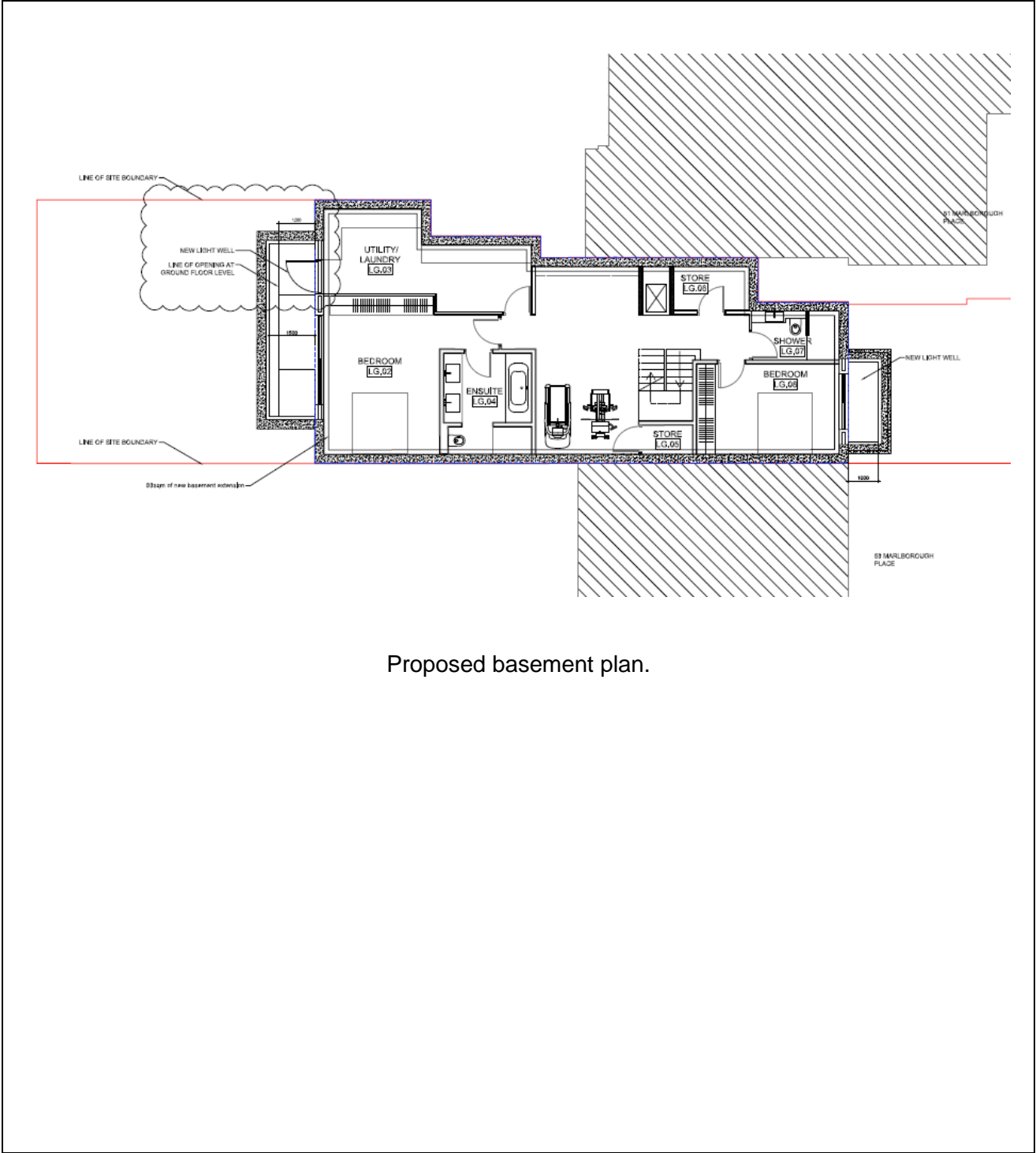
Existing and proposed front and rear elevations (top) and proposed front and rear elevations (bottom)



Existing ground floor plan (top) and proposed ground floor plan (bottom).



Existing section (top) and proposed section (bottom).



Proposed basement plan.

DRAFT DECISION LETTER

Address: 61A Marlborough Place, London, NW8 0PT

Proposal: Excavation of single-storey basement with lightwells to front and rear. (Linked to 17/10776/LBC)

Reference: 17/10775/FULL

Plan Nos: Site Location Plan; Site Plan; 0003 E200; 0003 E300; 0003 P200; 0003 P300; 0003 E100 Rev A; 0003 P100 Rev C; 0003 P10B Rev B; 003 P300 Rev A; Heritage Design and Access Statement; Arbtech AIA 01; Arbtech TCP 01; Tree Survey by Arbtech dated 26/01/2018; Tree Survey by Arbtech dated 27 January 2018; Appendix A- Checklist B: Code of Construction Practice- Basements; For Information Only: Construction Method Statement dated November 2017; Arboricultural Method Statement by Arbtech dated 1 February 2018; Arbtech TPP 01

Case Officer: Avani Raven

Direct Tel. No. 020 7641 2857

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme details of the railings around the lightwells. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS23, ENV5 and ENV6 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 7 Notwithstanding the details submitted in your Arboricultural Method Statement and Tree Protection Plan, you must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must include the ash tree located at 61 Marlborough Place in your tree protection proposals.

The submitted details must include:

- specific details of ground protection in relation to the proposed weight of construction activity;
- a methodology for any resurfacing with the RPAs of retained trees, using a no-dig, porous surface.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
 Environmental Health Service
 Westminster City Hall
 64 Victoria Street
 London
 SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 You are advised that should mechanical ventilation be required, a separate application for planning permission will be required to include an acoustic report and details of where the equipment will be ventilated
- 6 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 7 The submitted Tree Protection Plan and Arboricultural Method Statement are not approved documents and listed as for information only. This is because condition no. 7 requires a revised Tree Protection Plan and Method Statement.

- 8 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

DRAFT DECISION LETTER

- Address:** 61A Marlborough Place, London, NW8 0PT
- Proposal:** Underpinning to No. 59 and No. 61 Marlborough Place in connection with the creation of a basement at the adjoining dwelling at 61A Marlborough Place. (Linked to 17/10775/FULL)
- Reference:** 17/10776/LBC
- Plan Nos:** Site Location Plan; Site Plan; 0003 E200; 0003 E300; 0003 P200; 0003 P300; 0003 E100 Rev A; 0003 P100 Rev C; 0003 P10B Rev B; 003 P300 Rev A; Heritage Design and Access Statement;

Recommended Condition(s) and Reason(s)

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:
To protect the special architectural or historic interest of the adjoining listed buildings. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)
- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:
To protect the special architectural or historic interest of the adjoining listed buildings. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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